



Illinois Department of Transportation

Division of Traffic Safety

3215 Executive Park Drive / P.O. Box 19212 / Springfield, Illinois / 62794-9212

ILLINOIS VEHICLE INSPECTION REGULATIONS

ILLINOIS DEPARTMENT OF TRANSPORTATION DIVISION OF TRAFFIC SAFETY BUREAU OF SAFETY PROGRAMS

CONTENTS

PART	DESCRIPTION
Part 446	Rates to be Charged by Official Testing Stations for School Buses
Part 450	Commercial Vehicle Safety Section Hearings
Part 451	Administrative Requirements for Official Testing Stations
Part 453	Specifications for Seat Safety Belts
Part 454	Rates to be Charged by Official Testing Stations for Vehicles Other than School Buses
Part 460	Diesel Emission Inspection Program

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 446
RATES TO BE CHARGED BY OFFICIAL TESTING
STATIONS FOR SCHOOL BUSES

SUBPART A: RULES OF GENERAL APPLICABILITY

Section

- 446.101 General Information
- 446.102 Information; Special Instructions
- 446.103 Communications and Pleadings
- 446.104 Definitions
- 446.105 Rules of Construction
- 446.106 Regulatory Dockets
- 446.107 Appearances

SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

Section

- 446.201 Typographical Specifications
- 446.202 Copies
- 446.203 Time
- 446.204 Service

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

Section

- 446.301 General Requirements
- 446.302 Application for Rate Approval
- 446.303 Initial Application Review
- 446.304 Processing of Application
- 446.305 Withdrawal
- 446.306 Application for Rate Change
- 446.307 Appeal

SUBPART D: LEVEL OF RATES OR CHARGES

Section

- 446.401 General Requirements
- 446.402 Rates or Charges
- 446.403 Enforcement

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND
APPEALS

Section

- 446.501 Request for Hearing
- 446.502 Notice and Place of Hearing
- 446.503 Hearings
- 446.504 Presiding Officer's Decision
- 446.505 Appeal

SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section

- 446.601 Notice
- 446.602 Complaints
- 446.603 Reply
- 446.604 Request for Hearing
- 446.605 Hearing
- 446.606 Presiding Officer's Decision
- 446.607 Appeal

SUBPART G: MISCELLANEOUS PROVISIONS

Section

- 446.701 Discovery
- 446.702 Motions
- 446.703 Intervention

AUTHORITY: Implementing and authorized by Section 13-106 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-106].

SOURCE: Adopted at 6 Ill. Reg. 1291, effective February 1, 1982; codified at 6 Ill. Reg. 14689; amended at 19 Ill. Reg. 15754, effective November 2, 1995.

SUBPART A: RULES OF GENERAL APPLICABILITY

Section 446.101 General Information

- a) Scope of Rules. These rules prescribe the requirements of the Illinois Department of Transportation governing the rates to be charged for safety test of school buses and prescribe the practices and procedures which shall govern all hearings conducted by the Department relating to rates charged by Official Testing Stations.
- b) Applicability. These rules apply to every operator of an Official Testing Station conducting safety tests of school buses.
- c) References. These rules shall be referred to as the "Rules on Rates for School Buses".

Section 446.102 Information; Special Instructions

Information as to procedure under the rules in this Part and instructions supplementing this Part in special instances, will be furnished upon written application to the Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.103 Communications and Pleadings

- a) How addressed. All communications and pleadings should, unless otherwise specifically directed, be addressed and submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212. A communication should clearly designate the docket number, if any, and short title of any proceeding to and about which it is directed. The person communicating shall state his address, and the party he represents.
- b) Timely Filing Required. All documents required or permitted to be filed under this Part must be received for filing at the offices of the Department's Division of Traffic Safety in Springfield, Illinois, within the time limits for such filing. The date of receipt at the Department and not the date of deposit in the mail is determinative, provided, however, that if such document is mailed by certified, registered, or express mail postmarked at least two days prior to the due date, it will be accepted as timely filed.
- c) Disposition of When Defective. In any proceeding when upon inspection the Department is of the opinion that a document tendered for filing does not comply with this Part or does not sufficiently set forth material required by any form of the Department, the Department may decline to accept the document for filing and may return it un-filed or the Department may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.104 Definitions

As used in this Part:

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Director" means the Director of the Division of Traffic Safety of the Illinois Department of Transportation.

"Division" means the Division of Traffic Safety of the Illinois Department of Transportation.

"Official Testing Station" means all contiguous real and personal property which houses the testing lane(s) and all equipment and supplies relating to the vehicle safety test program.

"Person" means any person as defined in Section 1-159 of the Code.

"Rate" or "Charge" means the monetary charge to any person offering a school bus for a safety test pursuant to Section 13-106 of the Code.

"Safety test" means the test required by Section 13-101 of the Code.

"School bus" means Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or
Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Section" means the Commercial Vehicle Safety Section of the Bureau of Safety Programs of the Division of Traffic Safety of the Department.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.105 Rules of Construction

- a) In these Rules unless the context required otherwise:
 - 1) Words imparting the singular include the plural;
 - 2) Words imparting the plural include the singular;
 - 3) Words imparting the masculine gender include the feminine.
- b) In these Rules, the word:
 - 1) "Shall" is used in an imperative sense;
 - 2) "Must" is used in an imperative sense;
 - 3) "Should" is used in a recommendatory sense;
 - 4) "May" is used in a permissive sense to state authority or permission to do the act described and the words "no person may * * * " or "a person may not * * * " means that no person is required, authorized or permitted to do the act described; and
 - 5) "Includes" is used as a word of inclusion not limitation.

Section 446.106 Regulatory Dockets

- a) Information and data relating to Department actions pursuant to this Part are maintained by the Bureau of Safety Programs, Division of Traffic Safety , Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- b) Any person may examine and copy any docketed material at the offices of the Division during regular business hours.

(Source: Amended at 19 Ill. Reg. 15754, effective November 7, 1995)

Section 446.107 Appearances

Any person either involved in or entitled to participate in proceedings may appear as follows:

- a) A natural person may appear in his own behalf or through counsel of his choice;
- b) A business, non-profit or governmental organization may appear by an officer, employee or representative, or may be represented by counsel of its choice;
- c) Any attorney appearing in a representative capacity shall file a written notice of appearance.

SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

Section 446.201 Typographical Specifications

Except as otherwise provided, all documents shall be typewritten or reproduced from typewritten copy on unglazed white paper measuring 8 1/2" x 11". Margins of at least one inch shall be allowed on the left and right margins. Reproduction of documents may be by any process provided the copies are clear and permanently legible. Typewritten documents must be double-spaced, except that long quotations may be single-spaced and indented. Lengthy documents should be accompanied by an index. Failure to observe these specifications may result in rejection.

Section 446.202 Copies

Except as otherwise provided in these rules, an original copy of all documents, including complaints, motions, petitions and notices of appeal, shall be filed with the Director and shall bear the docket number and the title of the proceeding in connection with which they are filed.

Section 446.203 Time

- a) Computation. In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is Saturday, Sunday, or a legal holiday in the State of Illinois, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. This rule shall apply to the measurement of time forward, as well as backward from a specified date.
- b) When the date designated for filing briefs or other documents is a Saturday, Sunday or a legal holiday in the State of Illinois, that date shall be extended to the next day which is neither a Saturday, Sunday nor a legal holiday in the State of Illinois.
- c) Modification. Any time period may, upon request and for good cause shown, be modified by the Director in his discretion. Request for extensions or modifications of time must be served on all parties at the same time and by the

same method of communication as service is made on the Department. Only the original of the request need be filed with the Department.

Section 446.204 Service

- a) Each order, notice, or other document required to be served under these Rules shall be served personally or by first class, registered or certified mail, except as otherwise provided.
- b) Service upon a person's duly authorized representative constitutes service upon that person.
- c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt for registered or certified mail constitutes prima facie evidence of service.
- d) One copy of each order, notice or other document must be served on each party. Service on any party shall be by the same means employed in serving all other parties.

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

Section 446.301 General Requirements

- a) No operator of an Official Testing Station shall make, establish, implement, collect or otherwise enforce any rate or charge or schedule of rates or charges for performing a safety test for any school bus unless that rate or charge or schedule of rates or charges has been made or established in accordance with the provisions of this Part.
- b) No operator of an Official Testing Station shall change any rate or charge or schedule of rates or charges unless that change has been made in accordance with the provisions of this Part.
- c) No applicant for a school bus Official Testing Station permit shall be issued that permit unless the applicant, in accordance with the provisions of this Part, has filed with the Department a proposed schedule of rates and charges and the Department has approved that schedule.

Section 446.302 Application for Rate Approval

- a) Every operator of a currently licensed school bus Official Testing Station must file with the Department, within 60 days of the effective date of this Part, a schedule of all rates and charges intended to be made by him for performing a safety test on school buses and for which he seeks the approval of the Department. Each application for approval shall be submitted on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.

- b) Each applicant for an Official Testing Station Permit shall file with the Department a proposed schedule of all rates and charges intended to be made by him for performing a safety test on school buses and for which he seeks the approval of the Department. Each application made under this paragraph shall be filed by the applicant with his application for a station permit pursuant to 92 Ill. Adm. Code 451 - Administrative Requirements for Official Testing Stations. The applicant shall submit his proposed schedule on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- c) A schedule of rates and charges filed with the Department under subsections (a) and (b) of this Section shall include an amount to reimburse the operator of an Official Testing Station for the purchase from the Department of the Certificate of Safety required by Section 13-109 of the Code, which amount shall not exceed the fee paid by the operator to the Department for the certificate.

(Source: Amended at 19 Ill. Reg. 15754, effective November 7, 1995)

Section 446.303 Initial Application Review

In the case of an application for rate approval under Section 446.302, the Section reviews the application to determine whether it is complete and conforms to the requirements of this Part. This determination will be made within 15 days of the receipt of the application. If the application is not returned to the applicant by the end of that period, it will be processed as provided in Section 446.304. If an application is returned, the applicant will be informed in what respects the application is incomplete.

Section 446.304 Processing of Application

- a) Any and all rates and charges to be made by an operator of an Official Testing Station for performing a safety test on school buses shall be approved by the Department prior to the rates and charges becoming effective.
- b) After an application for rate approval is determined to be complete, the Section processes the application. No public hearing, argument, or other formal proceeding is held directly on an application filed under Section 446.302.
- c) If the Section determines pursuant to Section 446.402 that the rates and charges proposed are not just and reasonable, it denies the application and notifies the applicant in writing, together with the reasons therefor.
- d) If the Section determines pursuant to Section 446.402 that the rates and charges proposed are just and reasonable, it grants the application and notifies the applicant in writing.

Section 446.305 Withdrawal

- a) An applicant may withdraw an application for rate approval at any time prior to it being finally determined.

- b) Withdrawal of an application does not authorize the removal of any related records from the dockets or files of the Division.

Section 446.306 Application for Rate Change

- a) Any operator of an Official Testing Station who desires to change his schedule of rates and charges filed with and approved by the Department shall file with the Department the new schedule of rates and charges proposed to be made by him for performing a safety test on school buses.
- b) Applications under subsection (a) of this Section shall be submitted on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- c) Applications under this Section shall initially be reviewed as provided in Section 446.303 and processed as provided in Section 446.304.
- d) Withdrawals of applications under this Section shall be governed by Section 446.305.
- e) If a proposed change in an applicant's rate or charge is disallowed or denied by the Section, an applicant may file a written petition under Section 446.307. All hearings scheduled under this paragraph shall be conducted in accordance with the provisions of Sections 446.501, 446.502, 446.503, 446.504 and 446.505.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.307 Appeal

- a) If a proposed rate or charge or proposed change in rates or charges is disallowed or disapproved by the Section, an applicant may file, within 15 days after the applicant is notified of the disallowance or disapproval, a written petition with the Director for a hearing seeking approval of its proposed rates or charges or proposed change in rates or charges.
- b) The petition for approval of disallowed rates must:
 - 1) State the name and address of the person making the request and of the Official Testing Station involved;
 - 2) Include a statement of ownership of the Official Testing Station, together with the date said ownership commenced;
 - 3) Include a statement setting forth the current rates charged by the lane operator;
 - 4) Include a statement setting forth with particularity the reasons why the lane operator seeks to amend the rates currently being charged;
 - 5) Include a statement of the new rates for which petitioner seeks approval;

- 6) Include, if applicable, a statement relating to the necessity of obtaining a change in the rates being charged; and
 - 7) State or include any other matters upon which the petitioner bases his request for a hearing.
- c) All hearings scheduled under this Section shall be conducted in accordance with the provisions of Sections 446.501, 446.502, 446.503, 446.504 and 446.505.

SUBPART D: LEVEL OF RATES OR CHARGES

Section 446.401 General Requirements

- a) Any and all rates or charges made by an operator of an Official Testing Station for performing a safety test for a school bus shall be just and reasonable.
- b) A rate of charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate of charge for the same or similar tests made in the community where the official testing station is located.

Section 446.402 Rates or Charges

The following rates or charges for safety inspections of school buses have been determined by the Department to be prima facie just and reasonable rates or charges for the counties indicated. An application for a charge or rate equal to or less than the specified charge or rate will be approved. An application for a charge or rate in excess of the specified charge or rate will be disapproved. If a proposed rate or charge is disapproved by the Section, an applicant may appeal the disapproval to the Director under Section 446.307.

1	Cook, DuPage, Grundy, Kankakee, Kendall, Lake, Will	\$19.50
2	Boone, DeKalb, Jo Daviess, Kane, McHenry, Stephenson, Winnebago	\$16.50
3	Bureau, Carroll, Fulton, Henderson, Henry, Knox, LaSalle, Lee, Livingston, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Warren, Whiteside	\$14.00
4	Mason, Menard, Morgan, Peoria, Sangamon, Tazewell, Woodford	\$17.00
5	DeWitt, Logan, Macon, McLean	\$12.50
6	Adams, Brown, Calhoun, Cass, Greene, Hancock, Jersey, Macoupin, McDonough, Pike, Schuyler, Scott	\$11.00
7	Coles, Champaign, Douglan, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, Vermilion	\$13.50
8	Bond, Christian, Clay, Clinton, Effingham, Fayette,	\$14.00

	Jasper, Marion, Montgomery	
9	Madison, St. Clair	\$17.50
10	Jackson, Monroe, Perry, Randolph, Union, Washington	\$13.00
11	Alexander, Clark, Crawford, Cumberland, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, Williamson	\$11.00

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.403 Enforcement

- a) The Department upon its own initiative or upon verified complaint of any person may require the operator of an Official Testing Station to appear at a hearing and prove that the rates or charges so filed with the Department are just and reasonable.
- b) The procedures in Sections 446.601, 446.602, 446.603, 446.604 and 446.605 shall govern the proceedings under paragraph (a) of this Section.

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND APPEALS

Section 446.501 Request for Hearing

- a) If the Department disallows the rates or charges set forth in a schedule which an operator has filed with the Department pursuant to Section 13-106 of the Illinois Vehicle Code and these Rules or any application of an operator to change those rates or charges, the operator may request a hearing upon notification of that disallowance, as provided in Section 446.307.
- b) After a petition for hearing, which complies with the requirement of Section 446.307 is received, the Director schedules a hearing for the earliest date.
- c) The Director may grant extensions of the time of the commencement of the hearing for good cause shown.

Section 446.502 Notice and Place of Hearing

- a) Hearings on petitions filed by operators of Official Testing Stations in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will and Winnebago Counties shall be held at the offices of the Department at 201 West Center Court, Schaumburg, Illinois. Hearings for operators in Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson Counties shall be held at the offices

of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for operators in any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois.

- b) The Department shall give notice of the hearing to the person requesting the hearing and to the Department's Office of Chief Counsel. In the case of a petition for approval of rate change, the Department shall also cause to be published a Notice of the petition for Rate Change in a newspaper of general circulation in the community in which the petitioner's Official Testing Station is located, setting forth the time and place of the hearing.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.503 Hearings

- a) When a hearing is requested and scheduled under Section 446.501, a presiding officer designated by the secretary, convenes and presides over the hearing. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.
- b) The presiding officer may:
 - 1) Administer oaths and affirmations;
 - 2) Adopt procedures for the submission of evidence in written form;
 - 3) Rule on offers of proof and receive relevant evidence
 - 4) Examine witnesses at the hearings;
 - 5) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;
 - 6) Hold conferences for settlement, simplification of issues, or any other proper purpose; and
 - 7) Take any other action authorized by or consistent with the provisions of this Part and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.
- c) The petitioner has the burden of proving the facts alleged in his Petition for Approval of Disallowed Rates, or Petition for Approval of rate change, including proof that the disallowed rate(s) is just and reasonable.
- d) The petitioner may offer such relevant information and testimony as may be necessary to fully inform the presiding officer as to the matter concerned, and conduct such cross-examination as may be required for a full disclosures of the facts.
- e) The presiding officer shall take into consideration the following factors in addition to any other relevant material prior to issuing a decision.

- 1) Average length of time to complete a safety test.
- 2) Average shop rate.
- 3) Average hourly rates of pay for journeyman mechanics and certified safety testers.
- 4) The current and/or propose rates and charges.

Section 446.504 Presiding Officer's Decision

After consideration of the evidence of record, the presiding officer may dismiss the petition in whole or in part, and enter an order to that effect. If he does not dismiss it in whole, he will issue and serve on the parties an order approving the rate(s) or change in rate(s) determined by the presiding officer to be just and reasonable. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law and discretion.

Section 446.505 Appeal

A petitioner aggrieved by a presiding officer's decision and order issued under Section 446.504 may file an appeal with the Secretary. The appeal must be filed within ten days of service of the presiding officer's order. A decision by the Secretary is administratively final.

SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section 446.601 Notice

- a) Whenever the Department upon its own initiative, or upon verified complaint of any person, intends to convene a hearing for the purpose of requiring the operator of an Official Testing Station to prove that the rates filed by that operator are just and reasonable, the Department begins the proceeding by serving a Notice on the operator.
- b) The Notice required by paragraph (a) of this section shall include:
 - 1) A statement of the provision(s) of the law and regulations which the operator is believed to be violating;
 - 2) A statement of the factual allegation(s) upon which the Department relies in its belief that the rates and charges filed by this operator are unjust or unreasonable;
 - 3) A statement of the remedial action being sought by the Department;
 - 4) A statement of the operator's right to present written or oral explanations, information or any materials in answer to the allegations;
 - 5) A statement of the operator's right to request a hearing and the procedures for requesting a hearing.

- c) The Department may amend a notice issued under this Section at any time before entering of a final order. If an amendment includes any new material allegation of fact, the operator shall be given an opportunity to respond.

Section 446.602 Complaints

- a) Whenever any person intends to complain to the Department about the justness or reasonableness of any rate of charge filed by any operator with the Department, that person shall make the complaint in writing and mail or submit it to: Commercial Vehicle Safety Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- b) Each complaint shall include:
 - 1) the name, address and telephone number of the person making the complaint;
 - 2) a statement whether the complainant owns or operates an Official Testing Station, and if applicable, the name, business address and telephone number of that Official Testing Station;
 - 3) the name and, if known, the business address, of the operator against whom the person complains;
 - 4) A description or statement of the rate(s) about which the person complains;
 - 5) a statement setting forth in detail the specific facts and person complains is unjust or unreasonable; and
 - 6) any information, document or other matters upon which the person relies.
- c) The facts asserted in any complaint must be sworn to by persons having knowledge thereof. Except under unusual circumstances, such persons should be those who will be available to appear as witnesses at a hearing convened by the Department to substantiate the facts asserted should a hearing become necessary.
- d) An original copy of the Complainant shall be filed with the Department. The original must show the signature, capacity and impression seal, if any, of the person administering the oath, and the date thereof.

(Source: Amended at 19 Ill. Reg. 15754, effective November 2, 1995)

Section 446.603 Reply

- a) Within 20 days of the service of a notice issued under Section 446.601, the operator may:

- 1) File with the Department a sworn statement by which the operator consents to withdraw the contested rate(s) filed by him and states that the operator will not charge any such rate(s) for the matters covered by that rate(s) until the operator files and has approved by the Department a new rate(s), and thereby close the case; or
 - 2) Request a hearing as provided in Section 446.604.
- b) The Director may extend the 20-day period for good cause shown.
 - c) Failure of the operator to reply by taking one of the two actions described in paragraph (a)(1) of this Section within the period provided constitutes a waiver of his right to appear and contest the allegation and authorizes the Director, without further notice to the operator to find the facts to be as alleged in the notice and order the rate(s) in question to be voided.

Section 446.604 Request for Hearing

- a) If an operator elects to request a hearing, he shall submit a written request to the Director. The request must:
 - 1) State the name and address of the operator and of the person signing the request if different from the operator;
 - 2) State with respect to each allegation whether it is admitted or denied; and
 - 3) State with particularity the issues to be raised by the operator at the hearing.
- b) After a request for hearing which complies with the requirements of paragraph (a) of this Section, the Director schedules a hearing within 60 days.
- c) The Director may grant extension of the time of the commencement of the hearing for good cause shown.

Section 446.605 Hearing

Hearings scheduled under Section 446.604 shall be governed by the provisions of Section 446.503.

Section 446.606 Presiding Officer's Decision

After consideration of the evidence of record, the presiding officer may dismiss the notice in whole or in part and enter an order to that effect. If he does not dismiss it in whole, he will issue and serve on the parties an order declaring the rate(s) to be either unjust or unreasonable or both and further declaring the rate(s) to be void. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law and discretion.

Section 446.607 Appeal

Any party aggrieved by a presiding officer's decision and order issued under Section 446.606 may file an appeal with the Secretary. The appeal must be filed within ten days of service of the presiding officer's order. A decision by the Secretary is administratively final.

SUBPART G: MISCELLANEOUS PROVISIONS

Section 446.701 Discovery

Parties participating in hearings conducted under these Rules may obtain discovery pursuant to this Rule regarding any matter not privileged, which is relevant to the subject matter involved in the pending proceeding or appears reasonably calculated to lead to the discovery of admissible evidence, provided that discovery may be had only when the presiding officer, upon his own motion or upon a petition filed by a party, and upon good cause shown, shall have entered an order approving such use. A petition must be filed at least fifteen (15) days prior to the scheduled hearing date.

Section 446.702 Motions

- a) Any party to a proceeding may make an application to the presiding officer for an order in the form of a motion.
- b) Motions shall be in writing, shall state with particularity the grounds therefor and shall set forth the relief or order sought. The rules applicable to document specifications shall apply to all motions.

Section 446.703 Intervention

- a) Any person may intervene by petition in a proceeding involving a petition for approval of a rate change or in a proceeding involving a complaint of unreasonable or unjust rates.
- b) A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.
- c) A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after, except for good cause shown.
- d) When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Department. When a petition for leave to intervene is not tendered at the hearing, the original copy of the petition shall be submitted to the Department together with a certificate that service in accordance with Section 446.204 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within ten days after service.

- e) Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 450
COMMERCIAL VEHICLE SAFETY SECTION HEARINGS

SUBPART A: PROCEDURAL RULES

Section

- 450.110 Applicability
- 450.120 Definitions
- 450.130 Filing
- 450.140 Form
- 450.150 Appearances
- 450.160 Complaint Relating to Violations of the Act or of the Regulations
- 450.170 Filing of Responsive Pleadings
- 450.180 Waiver of Hearing
- 450.190 Effect of Waiver of Hearings

SUBPART B: HEARINGS

Section

- 450.210 Notice
- 450.220 Place of Hearing
- 450.230 Hearing Officer
- 450.240 Transcript

SUBPART C: COMPLAINT

Section

- 450.310 Notice
- 450.320 Contents of Complaint
- 450.330 Motions and Answers
- 450.340 Motions to be in Writing
- 450.350 Appearance
- 450.360 Intervention
- 450.370 Filing
- 450.380 Rights
- 450.390 Continuances

SUBPART D: PROCEDURE IN HEARINGS

Section

- 450.410 Order of Hearings
- 450.420 Discovery
- 450.430 Default

SUBPART E: FILING OF ORDER

Section

450.510 Final Orders

SUBPART F: GENERAL RULES

Section

450.610 View of Testing Station

450.620 Judicial Notice

450.630 Subpoena

450.640 Appeal

AUTHORITY: Implementing and authorized by Section 13-108 of the Illinois Vehicle Code [625 ILCS 5/13-108].

SOURCE: Amended March 4, 1976; codified at 7 Ill. Reg. 2744; amended at 18 Ill. Reg. 14758, effective September 20, 1994.

SUBPART A: PROCEDURAL RULES

Section 450.110 Applicability

This Part herein published by the Department of Transportation, Division of Traffic Safety, Bureau of Safety Programs, Commercial Vehicle Safety Section, shall govern the practices and procedures of all hearings conducted by the Division of Traffic Safety, Bureau of Safety Programs, Commercial Vehicle Safety Section.

(Source: Amended at 18 Ill. Reg. 14758, effective September 20, 1994)

Section 450.120 Definitions

As used herein, the following terms shall be defined as follows:

The term "Act" means the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 1-1 et seq.) [625 ILCS 5];

The term "Department" means the Department of Transportation of the State of Illinois;

The term "Hearing Officer" means a person duly qualified and designated as a hearing officer under Section 450.230 of this Part;

The term "Permit" means a grant of privilege to a person by the Department of Transportation to operate an Official Testing Station as set forth in Section 13-103 of the Act (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-103) [625 ILCS 5 /13-103];

The term "Person" means any person defined in Section 1-159 of the Act (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-159) [625 ILCS 5/1-159];

The term "Regulations" means the published rules and regulations promulgated by the Department of Transportation, Division of Traffic Safety, Bureau of Safety Programs, Commercial Vehicle Safety Section, relating to the lawful, proper operation of an Official Testing Station;

The term "Secretary" means the Secretary of the Department of Transportation;

The term "Testing Station" means any official, certified vehicular testing station as set forth in Section 13-103 of the Act.

(Source: Amended at 18 Ill. Reg. 14758, effective September 20, 1994)

Section 450.130 Filing

Documents required to be filed with the Department of Transportation shall be addressed to and mailed to or filed with the Director, Division of Traffic Safety, Department of Transportation, P.O. Box 19212, 3215 Executive Park Drive Springfield, Illinois 62794-9212.

(Source: Amended at 18 Ill. Reg. 14758, effective September 20, 1994)

Section 450.140 Form

- a) Except as may otherwise be provided herein, two (2) copies of all documents including complaints, motions, petitions and notices of appeal shall be filed with the Director of the Division of Traffic Safety and shall bear the docket number and the title of the proceeding in connection with which they are filed.
- b) All documents shall be typewritten or reproduced from typewritten copy on unglazed white paper measuring 8 1/2" x 11", and shall be signed by the party making such filing or his authorized representative or attorney.

Section 450.150 Appearances

Any person either involved in or entitled to participate in proceedings may appear as follows:

- a) A natural person may appear in his own behalf or by an attorney at law licensed to practice in the State of Illinois, or both;
- b) A business, non-profit or governmental organization may appear by any officer, employee, or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both;
- c) Any attorney appearing in a representative capacity shall file a written notice of appearance.

Section 450.160 Complaint Relating to Violations of the Act or of the Regulations

Complaints shall be delivered in writing either personally or by certified United States Mail to the person, business, corporation, or agency charged with responsibility for such violation. Certification of any safety lane may not be withdrawn unless the person, agency, business or corporation operating said safety lane is granted a hearing in conformance with Section 13-108 of the Act or unless said safety lane operator voluntarily waives a hearing within twenty (20) days from the date notice of the violation is given to the operator by the Department.

Section 450.170 Filing of Responsive Pleadings

Responsive pleadings in answer to the notice and complaint which have been filed and served upon a party defendant in accordance with Section 450.160 shall be filed with the Director of the Division of Traffic Safety of the Department of Transportation.

Section 450.180 Waiver of Hearing

Persons not desiring a hearing on the issues or charges alleged in the complaint, but who do not wish to be found in default on the complaint, may file a voluntary waiver of hearing setting forth the fact of the waiver.

Section 450.190 Effect of Waiver of Hearing

Persons filing a voluntary waiver of hearing may subject themselves to a ruling by the Secretary resulting in a suspension or revocation of their permit subject to the discretion of the Secretary after all the allegations have been reviewed by the Secretary.

SUBPART B: HEARINGS

Section 450.210 Notice

Notice of violation of either the Act or the regulations shall be given in a manner prescribed by Section 13-108 of the Act and will be a part of the Illinois Uniform Citation & Complaint form, referred to herein below (See Appendix), and shall include a time and place for hearing, which shall be at a time not less than thirty (30) days after the date on which notice was received by the respondent.

Section 450.220 Place of Hearings

Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago Counties shall be held at the offices of the Department at 201 West Center Court, Schaumburg, Illinois. Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois.

(Source: Amended at 18 Ill. Reg. 14758, effective September 20, 1994)

Section 450.230 Hearing Officer

The hearing officer, who shall be appointed in accordance with the Act by the Secretary of Transportation, shall conduct all hearings and take any and all necessary action to avoid delay, maintain order, and to insure development of a complete record. He shall have all the powers necessary but not limited to the following:

- a) Require prior submission of expert testimony and exhibits in writing;
- b) Require all parties to state their position with respect to the complaint;
- c) Administer oaths and affirmations;
- d) Examine witnesses and direct witnesses to testify;
- e) Regulate the course of the hearing;
- f) Rule on all matters of evidence and procedure and make findings of fact and law;
- g) Issue subpoenas to compel attendance of a witness at a hearing;
- h) Make a finding of fact and law which shall become a part of the record and which shall be forwarded to the Secretary for final disposition.

Section 450.240 Transcript

Any and all testimony of whatever nature shall be recorded by a certified court reporter and shall be recorded verbatim.

SUBPART C: COMPLAINT

Section 450.310 Notice

All proceedings undertaken by the Department shall be commenced by the service of a notice and complaint upon all respondents and the filing of copies of said notices of complaint with the Director; providing, however, all filings are to be made within the times hereinabove set forth.

Section 450.320 Contents of Complaint

The complaint shall be in the form provided by the Illinois Uniform Citation and Complaint form, and shall contain:

- a) A statement of the date, time and location where the hearing shall be held;
- b) A reference to the provisions of the Act or the regulations of which the respondents are alleged to be in violation;
- c) A statement of the relief which the complainant seeks.

Section 450.330 Motions and Answers

Any respondent may file an answer not later than ten (10) days prior to the date of the hearing. All motions preliminary to a hearing shall be presented to the Director at least ten (10) days prior to the date of said hearing except when said time requirement is excused by the Director.

Section 450.340 Motions to be in Writing

All motions shall be in writing and be accompanied by any affidavits or other evidence relied upon in said motion unless the motion is made orally on the record during the course of a hearing.

Section 450.350 Appearance

A respondent may participate in the proceedings without forfeiting any jurisdictional objection, if such objection is raised at or before the time the respondent files his initial pleading or motion, or, if no pleading or motion is made, before the commencement of a hearing; otherwise appearance either for purposes of motions or otherwise pleading shall subject the respondent to the full jurisdiction of the hearing officer.

Section 450.360 Intervention

Upon timely written application, the hearing officer shall allow any person to intervene in a revocation or suspension proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions is met:

- a) When the applicant is so situated that he may be adversely affected by a final order of the Secretary;
- b) When an applicant's claim or defense and the hearing proceeding have a question of law or fact.

Section 450.370 Filing

Two (2) copies of a Petition for Intervention shall be filed with the Director and one (1) copy served on each party not later than forty-eight (48) hours prior to the date set for hearing of the matters set forth in the complaint. The hearing officer may permit a later intervention when there is good cause for the delay.

Section 450.380 Rights

Upon receiving permission by the hearing officer to act as intervenor, the intervenor shall enjoy any and all rights inuring to an original party in the hearing provided, however, that the hearing officer may order the intervenor to be bound by any rulings made by the hearing officer prior to the time of intervention which may affect the issues to be considered after the hearing.

Section 450.390 Continuances

All motions for continuances must be made in writing and shall be granted where the hearing officer is satisfied that to deny a motion for continuance would result in an inequitable and unreasonable hardship to the movant.

SUBPART D: PROCEDURE IN HEARINGS

Section 450.410 Order of Hearings

All hearings shall proceed in the following order:

- a) Opening statements by the parties with the complainant having the right to open;

- b) The complainant's case in chief;
- c) The respondent's case in chief;
- d) Complainant's rebuttal case;
- e) Respondent's closing arguments;
- f) Complainant's closing arguments.

Section 450.420 Discovery

- a) Upon written motion by any party, the hearing officer, in order to allow each party a fair opportunity to prepare for the hearing, shall allow discovery of the following:
 - 1) Production of any documents including business records relating to the issues in the complaint;
 - 2) Depositions of any parties or witnesses;
 - 3) Written interrogatories of any parties or witnesses.
- b) All depositions or interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Where a party or a witness is unable to attend the hearing for a good cause such as age, infirmity, absence from the country, or for any other good cause being shown, the parties may move the hearing officer to allow depositions or interrogatories to be used as evidence.

Section 450.430 Default

Where there has been proper notice of a hearing, the failure of any party to appear at the appointed time set for hearing, or the failure of any party to properly plead after due notice has been given, shall subject the party to be ruled in default by the hearing officer. Upon good cause being shown, however, within thirty (30) days of the entry of a default upon any party, the hearing officer, after due consideration of the grounds excusing the defaulted party, may order the default judgement to be vacated and set aside, and may order a new hearing.

SUBPART E: FILING OF ORDER

Section 450.510 Final Orders

Upon the hearing of all of the evidence and upon due consideration of any and all motions filed, and after being fully advised in the premises, the hearing officer shall make a full and complete written finding of fact and law. Said finding, which shall be set forth as the hearing officer's findings and recommendations, together with the verbatim transcript of the proceedings, shall be filed within thirty (30) days after the receipt of transcript by the hearing officer with the Secretary. The Secretary shall then make a final determination of the issues involved and shall within twenty (20) days after receipt of the hearing officer's opinion inform all parties in writing of his determination. Said determination shall constitute a final order. A copy of the verbatim

transcript and hearing officer's findings and recommendations shall accompany the final order furnished all parties of record.

SUBPART F: GENERAL RULES

Section 450.610 View of Testing Station

Upon the timely motion of any party or upon the hearing officer's own motion, the hearing officer may view the official testing station which is the subject of the complaint.

Section 450.620 Judicial Notice

Judicial notice may be taken of any and all facts which may be normally allowed if taken in a Circuit Court of the State of Illinois and which are within the knowledge and experience of the hearing officer.

Section 450.630 Subpoena

Upon timely application to the Director by any party, or on the motion of the hearing officer, the hearing officer may issue a subpoena for attendance at a hearing held under these rules, as well as at a deposition held pursuant to these rules which deposition may include an order to produce books, records or other tangible items of an evidentiary nature necessary to the disposition of the issues raised in the complaint; provided, however, that upon a showing of the unreasonableness or irrevelancy of a subpoena which may be quashed by the hearing officer.

Section 450.640 Appeal

Appeal of any final order entered by the Secretary shall be made in accordance with the Administrative Review Law of the State of Illinois (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.).

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 451
ADMINISTRATIVE REQUIREMENTS FOR OFFICIAL TESTING STATIONS

Section

- 451.10 Purpose and Scope
- 451.15 Definitions
- 451.20 Application
- 451.25 Incorporation by Reference of Federal Regulations
- 451.30 Standards of Construction
- 451.40 Address for Correspondence
- 451.50 Definitions (Renumbered)
- 451.60 Supervision of Official Testing Station and Enforcement of Department Policies
- 451.70 Permit Application Procedures and Operating Requirements for Official Testing Stations
- 451.80 Applicant Qualifications for Official Testing Station Permit
- 451.90 Official Testing Station Requirements
- 451.100 Official Testing Station Lane or Designated Testing Area Requirements
- 451.110 Official Testing Station (OTS) Classifications, Specifications and Safety Test Equipment
- 451.120 Responsibilities of Official Testing Station Owner
- 451.130 Responsibilities of Certified Safety Tester
- 451.140 Certificate of Safety
- 451.150 Completion Procedures for Vehicle Inspection Report (VIR)
- 451.160 Official Testing Station Forms, Records and Reports
- APPENDIX A Inspection Procedures/Specifications for Type I School Buses (Repealed)
- APPENDIX B Inspection Procedures/Specifications for Type II School Buses (Repealed)
- APPENDIX C Inspection Procedures/Specifications for Type I Special Education School Buses (Repealed)
- APPENDIX D Inspection Procedures/Specifications for Type II Special Education School Buses (Repealed)
- APPENDIX E Driver's Pre-Trip Inspection Requirements (Repealed)
- APPENDIX F Authorized Inspection Equipment
- APPENDIX G Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974 (Repealed)
- ILLUSTRATION A Stop Arm Panel (Repealed)
- ILLUSTRATION B Exhaust Guidelines (Repealed)

AUTHORITY: Implementing and authorized by Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410], Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII], and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 13 Ill. Reg. 19597, effective December 1, 1989; amended at 17 Ill. Reg. 12839, effective July 27, 1993; amended at 19 Ill. Reg. 4394, effective March 13, 1995.

Section 451.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- a) Implementation of Article VIII, the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 12-800 et seq.) [625 ILCS 5/12-800 et seq.];
- b) Implementation of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 13-100 et seq.) [625 ILCS 5/13-100 et seq.];
- c) Operations of Official Testing Stations;
- d) Inspection procedures for school buses;
- e) Inspection procedures for special education school buses; and
- f) Performance of the daily pre-trip inspection by school bus drivers.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.15 Definitions

"Administrative Hearing" - Proceedings in which witnesses are heard, evidence is presented, and testimony is taken relative to: Citation/Complaints issued by the Department to Official Testing Station personnel for alleged violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or of this Part. Petitions presented by Official Testing Station owners for approval of testing fee schedules. Petitions presented by Official Testing Station owners or applicants for reconsideration of revocation or denial of their Station Permits.

"Appendix G" Inspection - Testing procedures established by US DOT in 49 CFR, Ch. III, Subchapter B. The Department has adopted these procedures pursuant to Section 13-101 of the Illinois Vehicle Inspection Law for trucks, truck tractors, trailers, semitrailers and buses except school buses, religious organization buses, buses registered as charitable vehicles, tow trucks, senior citizen transport buses, buses designed to transport 11-15 persons and limousines.

"Applicant" - Any individual owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

"Authorized Inspection Equipment" - Those testing and measuring devices approved by the Department's Commercial Vehicle Safety Section for applicable Official Testing Station's (refer to Section 451.20(d) for applicability) test procedures. (See Section 451.Appendix F for approved list.)

"Body" - Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons.>> (Section 1-107 of the Illinois Vehicle Code (the Code) (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-107) [625 ILCS 5/1-107])

"Certificate of Safety" - The authorized visible symbol furnished by the Department's Commercial Vehicle Safety Section to an Official Testing Station which is to be directly affixed by a Certified Safety Tester to a vehicle which meets the minimum prescribed safety standards established by the Department's Commercial Vehicle Safety Section (see Section 451. Appendices A, B, C, and D, and 92 Ill. Adm. Code 396 and 448 for procedures).>>

"Certified Safety Tester" (CST) - An individual who has passed a written exam and has demonstrated proficiency in the operation of authorized safety test equipment (if applicable, refer to Section 451.20(d) for applicability) and has been issued evidence and authority by the Department.>>

"Certified Safety Tester Certificate" - Evidence issued by the Department to a Certified Safety Tester granting the individual named thereon the privilege and authority to test vehicles.>>

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Citation/Complaint" - A formal statement charging that an act of commission or omission constituting a violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or this Part was committed by Official Testing Station personnel. The Citation and Complaint will also contain an official summons to appear or otherwise plead, as well as a statement of the relief sought by the Department.>>

"Code" - The Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 1-100 et seq.) [625 ILCS 5/1-100 et seq.].

"Commercial Driver Training Car" - <|Any commercial vehicle or vehicle of the second division used in the preparation of an applicant for examination given by the Secretary of State for a driver's license or Permit.>> Vehicles owned by public schools or educational institutions are exempt from inspection. (Section 6-401 of the Code)

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers.>> (Section 13-100 of the Illinois Vehicle Inspection Law.)

"Designated Testing Area" - An area clearly defined by perimeter lines within the Official Testing Station where Appendix G inspections are performed.

"Director" - The Director of the Division of Traffic Safety for the Illinois Department of Transportation.

"Division" - Division of Traffic Safety for the Illinois Department of Transportation.

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Illinois Vehicle Equipment Law" - Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 12-100 et seq. [625 ILCS 5/12-100 et seq.].

"Illinois Vehicle Inspection Law" - Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 13-100 et seq. [625 ILCS 5/13-100 et seq.].

"Incomplete Vehicle" - An assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed vehicle for use in Illinois.

"Lane" - An area clearly defined by perimeter lines within the building of an Official Testing Station within which all authorized safety test equipment is installed or located and within which all special category and school bus safety tests and retests shall be conducted.

"Manufacturer" - (unless otherwise indicated at the point of use) means the person or organization whose name follows: "MANUFACTURED BY" or "MFD BY" on the federal and state certification label.

"Newton" (N) - Metric unit of force and weight. $N = \text{mass} \times \text{standard acceleration of free fall or "gravity" (i.e., 9.8)}$.

"Official Records" - Those forms furnished by the Department's Commercial Vehicle Safety Section which have been completed incidental to the operation of an Official Testing Station.

"Official Testing Station(s)" (the Station or OTS) - All contiguous real and personal property which houses the testing lane(s) (if required) (refer to Section 451.70(1) for requirement) and any and all equipment (if applicable) (refer to Section 451.20(d) for applicability) and supplies relating to the safety testing of vehicles. Official Testing Stations are classified as either public or private. Public stations are open to the public and are classified as either A, B, B1, B2, C or D OTS (refer to Section 451.110(b) for classification requirements). Private stations are established by companies for the purpose of inspecting vehicles

which are owned or operated by the company. Private stations are not open to the public and are always classified as "P" OTS.

"Official Testing Station Permit" (Permit) - Evidence issued by the Commercial Vehicle Safety Section granting the owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in the Section 13-103 of the Illinois Vehicle Inspection Law and this Part.

"Owner" - Any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing Station Permit has been issued. Such person(s) shall be responsible for the lawful operation of the Station's safety test program.

"Part" - The regulations contained in this document which are located at 92 Ill. Adm. Code 451.

"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"Rebuilt/Salvage Vehicle" - A vehicle for which a salvage certificate has been issued and which subsequently has been put back into its original or operating condition by a licensed rebuilder and which has met all the requirements of a salvage vehicle inspection. (Section 1-168.1 of the Code)

"Rejected Vehicle" - A vehicle which failed to pass the safety test and which was not issued a Certificate of Safety.

"Safety Test" - Inspection of vehicles and components required to be tested by the Illinois Vehicle Equipment Law, the Illinois Vehicle Inspection Law and this Part.

"School Bus" –

Type I School Bus - A School Bus with a gross vehicle weight rating of more than 10,000 pounds.>>

Type II School Bus - A School Bus with a gross vehicle weight rating of 10,000 pounds or less.>> (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

- Any public or private primary or secondary school;
- Any primary or secondary school operated by a religious institution; or
- Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Secretary" - Secretary of the Illinois Department of Transportation.

"Special Category Vehicle (SCV)" - Driver education training cars, medical transport vehicles, rebuilt (salvage) vehicles, religious organization buses, buses registered as charitable vehicles, senior citizen transport vehicles, tow trucks, buses designed to transport 11-15 persons, including the driver, and limousines.

"Special Education School Buses" - Vehicles constructed to transport children with special needs which require the alteration of specific component requirements (i.e., ramps, lifts, wheelchair accommodations).

"Station" - See "Official Testing Station."

"Supplies" - All items issued to an Official Testing Station by the Commercial Vehicle Safety Section. All supplies remain the property of the Commercial Vehicle Safety Section.

"Vehicle" –

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.>> (Section 1-217 of the Code)

(Source: Section 451.50 renumbered to Section 451.15 and amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.20 Application

- a) This Part applies to the following persons:
 - 1) Department personnel;
 - 2) Owner(s) of Official Testing Stations;
 - 3) Employees of Official Testing Stations;
 - 4) School bus operation managers;
 - 5) School bus drivers; and
 - 6) Persons authorized to perform inspection and maintenance of school bus braking systems.
- b) Sections 451.10 through 451.160 apply to the following vehicles:
 - 1) Second division vehicles (unless exempted by Sections 13-101 or 13-114 of the Illinois Vehicle Inspection Law);
 - 2) Second division motor vehicles that pull or draw trailers, semitrailers or pole trailers which have a gross weight of more than 8,000 lbs. or are registered for a gross weight of more than 8,000 lbs;
 - 3) School buses;
 - 4) Rebuilt vehicles;
 - 5) Medical transport vehicles;
 - 6) Intrastate tow trucks;
 - 7) Senior citizen transport vehicles;
 - 8) Religious organization buses;
 - 9) Motor buses;
 - 10) Limousines; and (Section 13-101 of the Illinois Vehicle Inspection Law)
 - 11) Commercial driver training cars. (Section 6-410 of the Illinois Driver Licensing Law)
- c) Appendix A through Illustration B of this Part apply to school buses.
- d) The Department's inspection program consists of three different types of inspections performed in either Public or Private Stations. The type of inspection performed is dependent upon the type of vehicle being tested. The three different types of inspections are: School Bus, Special Category and Appendix G.

- 1) School bus and special category inspections require the use of authorized safety testing equipment (i.e., wheel alignment indicator, jack or lift, and brake testing device) in a lane. Appendix G inspections do not require the use of the above mentioned safety testing equipment. Throughout this Part, references made to safety testing equipment requirements apply only to school bus and special category vehicle inspections.
- 2) Appendix G inspections do not require the use of safety testing equipment.
- 3) Public Stations are required to inspect all vehicles, including school buses (if authorized), presented to their Station by the general public. Due to the fact that Public Stations are required to test either special category vehicles or school buses or both, they must be equipped with safety testing equipment in a lane. Private Stations inspect only those vehicles owned and operated by the company which owns the Station. Most Private Stations do not test school buses or special category vehicles and those Stations that do not, therefore, are not required to be equipped with safety testing equipment. Any Private Station that does test school buses or special category vehicles must be equipped with authorized safety testing equipment in a lane.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1991, not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.30 Standards of Construction

- a) "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- b) Words imparting the masculine gender include the feminine.
- c) Changes in the administration of the State school bus inspection program and changes to federal and state law have caused the purchase or manufacture date of school buses to be critical in the application of this Part. The effective dates for some of these standards will vary.
 - 1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."

- 2) Exemptions to some standards are provided for school buses manufactured prior to March 1977, the date of the Department's Order "Minimum Safety Standards for Construction of Type I School Buses."
- 3) Exemptions are provided for Type II school buses manufactured prior to October 1978, the date of the Department's Order "Minimum Safety Standards for Construction of Type II School Buses."
- 4) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 451.40 Address for Correspondence

All business and correspondence pertaining to the operation of an Official Testing Station and vehicle inspections shall be addressed to:

Department of Transportation
 Division of Traffic Safety
 Commercial Vehicle Safety Section
 P.O. Box 19212
 Springfield, Illinois 62794-9212

Section 451.50 Definitions (Renumbered)

(Source: Renumbered to 451.15 at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.60 Supervision of Official Testing Station and Enforcement of Department Policies

- a) Official Testing Station inspectors, compliance officers and administrative personnel have responsibility:
 - 1) To monitor Official Testing Stations and to enforce this Part, Sections 12-800 through 12-820 of the Illinois Vehicle Equipment Law and Sections 13-100 et seq. of the Illinois Vehicle Inspection Law.
 - 2) To review applications for Official Testing Station Permits and Certified Safety Tester (CST) Certificates.
 - 3) To conduct written tests and proficiency tests for persons requesting to become CSTs. (See Section 451.130 for testing procedures.) To conduct same tests for persons who have been requested by the Department to be retested. The Department would require a CST to be retested if that CST had been found guilty of a violation through the administrative hearing process (see Section 13-108 of the Illinois Vehicle Inspection Law and 92 Ill. Adm. Code 450 for hearing process).
 - 4) To inspect buildings, equipment and adjacent roadways or alleys for compliance with OTS classification requirements or any conditions which

affect the entrance and exit of vehicles (refer to Section 451.110(b) for OTS classification requirements).

- 5) To inspect safety testing equipment in a lane for cleanliness, operability and accuracy.
- 6) To require the owner to close the Official Testing Station when testing equipment in a lane is totally or partially inoperative or inaccurate.
 - A) All Certificates of Safety at the Official Testing Station will be removed and held by a Department employee or the Commercial Vehicle Safety Section office until the safety testing equipment in a lane has been cleaned, adjusted or repaired so as to render accurate results.
 - B) An authorized Department employee will approve the condition of the lane before it is reopened for testing (i.e., equipment is operating efficiently and effectively).
- 7) To instruct Official Testing Station owners and CSTs in the proper method of completing forms and reports used in safety testing procedures.
- 8) To inspect forms required to be posted, completed and filed for cleanliness, legibility, accuracy and availability (refer to Section 451.160(g) for forms required to be posted).
- 9) To determine whether safety tests are performed in accordance with this Part.
- 10) To have access to all records and supplies which are the property of and furnished by the Department.
- 11) To inspect the Station's copy of this Part for completeness and availability.
- 12) To inspect Vehicle Inspection Reports for accuracy, completeness, legibility and proper filing order.
- 13) To inspect Certificates of Safety at Official Testing Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all Certificates of Safety issued to such Station.
- 14) To investigate all complaints lodged against an Official Testing Station or CST.>> (Section 13-107 of the Illinois Vehicle Inspection Law)
- 15) To monitor Official Testing Station and procedures used in conducting safety tests through the use of both official marked and unmarked vehicles. Monitoring conducted in marked state vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion, equipment in a lane for proper calibration and operation, and to administer tests to prospective CSTs or those CSTs

required to be retested. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if OTS are performing safety tests in accordance with this Part.

- 16) To enforce compliance of goals for this program by issuing warning tickets or citations/complaints to Official Testing Station permit holders and their employees for alleged infractions of Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part. The charges as outlined in the citation(s) will be adjudicated at Administrative Hearings conducted by the Secretary, or his authorized representative in accordance with Vehicle Inspection Section Hearings; 92 Ill. Adm. Code 450. The Secretary will determine the innocence or guilt of the defendant after careful evaluation of the evidence presented at such hearings. If a determination of guilt is made, the Secretary will assess penalties for violations alleged on the citation/complaints.
 - 17) To close the Official Testing Station upon determination of a guilty verdict by Department personnel and subsequent suspension or revocation of testing privileges. Permit(s) and Certificates of Safety will be removed from the facility.
- b) Department employees will not solicit or accept any monies, gifts, services or favors for political contributions, supplies furnished, services performed, safety testing equipment purchased or sold, cost of doing business, or for any other activity or reason including "goodwill."

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.70 Permit Application Procedures and Operating Requirements for Official Testing Stations

- a) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.
- b) The completed forms, accompanied by a ten dollar check or money order made payable to: TREASURER, STATE OF ILLINOIS, shall be sent to the CVSS. Such fee is nonrefundable.
- c) An application is reviewed to determine if the building configurations, equipment in a lane and personnel (i.e., at least one CST) meet the requirements of this Part. An interim approval is provided in writing pending the proper installation of the equipment (if applicable) (refer to Section 451.20(d) for applicability) and verification of the building configurations. A Department employee will inspect the location of the equipment in a lane (refer to Section 451.110(x) for location requirements) and the configurations of the building (refer to Section 451.110(b) for the configuration requirements) before the final approval is granted. All safety test equipment must be permanently installed.
- d) The applicant shall forward to the CVSS the following photographs. (Lane dimensions are to be included on the photographs' reverse sides.)

- 1) For a Class "A," "C," "B2" or applicable "D" or "P" OTS: three 8" x 10" photographs. One photograph must show the lane entrance, another must show the lane exit and the third must show the entire testing lane with the installed testing equipment. Include lane dimensions on reverse side of photograph.
 - 2) For a Class "B" or "B1" or applicable "D" or "P" OTS: two 8" x 10" photographs. One photograph must show the lane entrance and another must show the entire testing lane with the installed testing equipment.
 - 3) For a "P" OTS not requiring equipment: two 8"x10" photographs. One photograph must show the entrance of the OTS where the vehicle being tested will enter and another must show the designated testing area.
- e) The applicant shall file with the CVSS a bond in the amount of one thousand dollars with security provided by a bonding company in good standing with the Illinois Department of Insurance. This bond is dependent on the applicant and Station employee's compliance with this Part, as amended. The bond form will be secured by the CVSS.
 - f) Any Official Testing Station owned and operated by governmental agencies (i.e., state, city, village, incorporated town or county) shall be exempt from the payment of any original or renewal fee and exempt from the filing of any bond.
 - g) The specific identification number and location of the Station will be stated on each Permit. For public and applicable private OTS's, safety tests on special category vehicles and school buses can only be conducted within the specified lane identified on the Permit.
 - h) Each Permit approved and issued by the Department will expire twelve months following issuance. The Permit may be renewed annually by complying with this Part and upon payment of a renewal fee of ten dollars. Any change or amendment to an existing Permit will require an additional ten dollar fee.
 - i) The CVSS will issue an amended Permit following a change in location and installation of testing equipment in a lane. The new location must satisfy the requirements of this Part. The amended Permit will be the only authority for the applicant to begin testing at the new location. Testing may begin upon receipt and after properly displaying the amended Permit.
 - j) Any Official Testing Station Permit issued by the Department will be subject to cancellation, suspension or revocation by the Department for violations of this Part or of Section 13-100 et seq. of the Illinois Vehicle Inspection Law. The first violation by a CST or OTS of the provisions of this Part statutorily requires a minimum suspension of 30 days. The length of a first suspension can be extended up to 180 days, usually to 60 days, if evidence in aggravation of the penalty is introduced at the hearing. A prior suspension within a four year period, without any other aggravating evidence, will result in a 60 day suspension. Violations directly threatening the public safety are considered an aggravation of the penalty. The hearing officer will consider other evidence in aggravation or

mitigation of a suspension. Revocation is recommended when suspensions are not correcting improper performance. After two suspensions in a two year period, or after repeated suspensions over a longer period, a permit will be revoked upon another violation. Revocation will also be recommended when a pattern of violations indicates that a fraud on the public is being committed. A hearing officer will consider other evidence in aggravation or mitigation when considering revocation of a permit.

- k) The CVSS may permanently deny, on application, an original or renewal OTS Permit to applicants whose Permits have been revoked. The Department will permanently deny an application for permit if the applicant was ever found guilty of a serious violation through the Department's administrative hearing process. Two examples of serious violations may include administering improper safety tests for school buses or supplying entire fleets of vehicles with Certificates of Safety without performing safety tests on the vehicles. Applicants whose original or renewal Testing Station Permit applications have been denied by the Department may request an Administrative Hearing to present such evidence for the granting of an original or renewal Testing Station Permit.
- l) Official Testing Station Permits will be issued in one of two categories: Public or Private.
 - 1) Public
 - A) Public Stations shall inspect any vehicle presented within the limits defined in Section 451.110.
 - B) Public Stations shall agree in writing to be open for testing between the hours of 8 a.m. and 5 p.m., for a minimum of eight hours between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except on legal holidays. All public Stations shall notify the CVSS in writing if the OTS operates during any additional hours. The notification shall be sent to the CVSS and shall include the complete OTS number, the city in which the OTS is located and the additional hours of operation.
 - C) It shall be the applicant's responsibility to file with the Department a proposed schedule of rates to be charged for performing a safety test. The proposed schedule will be approved by the Department before a license is issued. (Refer to 92 Ill. Adm. Code 454 for procedures.)
 - D) OTS personnel shall not require vehicle owners to make an appointment to have their vehicles tested. Should a vehicle owner request an appointment, the time set for such testing must be at a time when the OTS is closed to the public (see subsection (1)(1)(B)). Times that are not stated in subsection (1)(1)(B) are times the OTS is considered "closed to the public."
 - E) Upon notification that a vehicle has been presented for a safety test, the test shall be performed.

- F) Public Stations are required to have authorized safety test equipment installed within the specified lane area.
 - G) Inspection of special category vehicles and school buses must be performed within the specified lane area.
- 2) Private
 - A) Private Stations are not open to the public. They are established solely for the purpose of testing 75 or more vehicles owned or leased by the firm in whose name the Official Testing Station Permit is issued.
 - B) Private Stations are required to perform Appendix G inspections within a designated testing area. Inspections are required to be performed within the Official Testing Station Building.
 - C) All Private Stations shall notify the CVSS in writing of each second division vehicle leased or owned by the firm as well as the exact storage location (i.e., address) of the vehicles as of the first day of each year. The CVSS shall also be notified of any additions or deletions made to the fleet during the year.
 - D) Private Stations are exempt from maintaining normal business hours but must be open for Official CVSS personnel monitoring during the hours required in subsection (1)(1)(B) above.
 - E) Private Stations are subject to the same requirements as public Stations except where specifically noted.
 - F) In order for Private Stations to test their own special category vehicles or school buses, they are required to have authorized safety testing equipment and a designated lane area as required in Sections 451.100 and 451.110.
- m) Each Station must have at least one person licensed by the CVSS as a Certified Safety Tester.
- n) No safety test shall be conducted unless the Station possesses and has properly displayed a valid Permit issued by the CVSS (refer to Sections 451.160(g), (i), and (j) for permit display requirements).
- o) By accepting a Permit, the applicant agrees to comply with Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part, as amended, that govern the operation of an Official Testing Station and vehicle safety tests.
- p) If an OTS is inoperative for a period of six months or more, the Permit will be cancelled. Advance warning is given by telephone, and area inspectors visit the OTS prior to the cancellation. If the inspector feels that the operator is not taking the necessary action to reopen his OTS (e.g., having equipment repaired), the

CVSS will cancel the permit. If at a later date the owner wishes to reopen the Station, a new application shall be submitted to the CVSS. The ten dollar filing fee shall be paid again.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.80 Applicant Qualifications for Official Testing Station Permit

- a) The individual requesting application must be eighteen years of age.
- b) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.
- c) All forms furnished by the CVSS shall be completed correctly by the applicant.
- d) All information supplied on the forms will be reviewed by the Department to determine if the building configurations and the testing equipment in a lane meet the necessary requirements of Section 451.110 to qualify as the type classification requested on the permit application. The Department also verifies that at least one person will become a CST as required in Section 451.70(m).
- e) Any false information supplied on the forms will nullify the application. The Station Owner may apply again one year after the date of original application.
- f) A Permit will immediately be cancelled if any information contained on the application forms or any additional information requested by the CVSS is found to be false. A new application may be completed and filed one year from the date of the cancellation.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.90 Official Testing Station Requirements

- a) The Station must be clean and properly maintained so that the Station does not interfere with the operation of the test lane or designated testing area.
- b) The Station must be a permanent building constructed so that the test lane or designated testing area is protected from exposure to the weather. The building must have a permanent roof, contiguous permanent walls and a permanent door or doors meeting the height and width requirements of this Part (see Section 451.110). The floor of the building must be a level concrete surface.
- c) The building must be located on the Station property so that a vehicle waiting to enter the building shall neither obstruct passing vehicles nor cause unsafe congestion in any alley, street or highway.
- d) The vehicular entrance and exit to the Station must neither be obstructed nor can a driveway be constructed to interfere with the free movement of a vehicle either entering or exiting the Station building.

- e) The approach to the entrance of the Station lane must be concrete, asphalt or a comparable hard surfaced material with minimum dimensions of six feet in length and as wide as the entrance door.
- f) Failure to meet any of the requirements of this Section will nullify the application until all requirements are met.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.100 Official Testing Station Lane or Designated Testing Area Requirements

- a) Official Testing Stations that conduct either special category inspections or school bus inspections or both are required to have a test lane area. The lane area is where all authorized safety testing equipment is installed. Official Testing Stations that conduct Appendix G inspections are required to have either a designated testing area or a lane area where all Appendix G inspections are to be conducted. Official Testing Stations that conduct all three types of inspections may be equipped with both a designated testing area and a lane area.
- b) The Lane or designated testing area must be clean and properly maintained within the minimum dimensions required for Station classification (see Section 451.110(b)).
- c) The floor of the lane or designated testing area must be a level concrete surface free from high or low spots. If a lane is required, the lanes' floor must be suitable for the installation of authorized safety test equipment according to the manufacturer's specifications.
- d) The floor of the approach and the surface of the lane or testing area must be free from dirt, oil and grease.
- e) The lane or designated testing area must not be utilized for servicing, repairing, washing or parking vehicles. The lane or designated testing area must not be utilized for the storing of vehicles, parts or other materials. (Minor repairs or adjustments to rejected vehicles, e.g, light bulb replacement, headlight aim are allowed.) ("P" lanes are exempt from this subsection.)
- f) The lane or designated testing area must be well lighted, ventilated by natural or artificial means and capable of being heated when necessary.
- g) The lane or designated testing area must be located to allow a direct approach by the tested vehicle within the dimensions required for lane classification.
- h) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the lane or designated testing area.
- i) A Station may have more than one lane. Each lane must be equipped with the authorized safety test equipment (see Section 451. Appendix F for list of equipment).

- j) Private Official Testing Stations authorized to perform Appendix G inspections are limited to one designated testing area. Public Official Testing Stations may have a designated testing area where only Appendix G inspections can be performed.
- k) Lane or designated testing area dimensions must be of adequate length and width in order to test the fleet's largest vehicle or combination of vehicles inside the building which houses the Official Testing Station.
- l) If an Official Testing Station Permit is cancelled because a lane or designated testing area is closed or inactive for at least six months, or because an Official Testing Station has changed ownership, an inspection of testing equipment in a lane and building facilities will be conducted by Department personnel before reopening. All equipment and facilities must be approved prior to the issuance of a new Permit in accordance with Section 451.110.
- m) If an OTS is closed for any reason for more than 30 days, an inspection of testing equipment in a lane and building facilities will be conducted by Department personnel before reopening.
- n) If a lane is closed due to equipment malfunction, no inspections are to be performed at the Official Testing Station, regardless of whether equipment is required for an inspection.
- o) Failure to meet any of the requirements of this Section shall nullify the application until all requirements are met.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

451.110 Official Testing Stations (OTS) Classifications, Specifications and Safety Test Equipment

- a) Classification of the OTS shall be governed by the smallest dimensions of the land configuration, the building (interior and exterior), and the maximum capacities of the required testing equipment.
- b) The following are minimum dimensions and lane OTS classifications:

	<u>A+</u>	<u>B</u>	<u>B1</u>	<u>B2+</u>	<u>C+</u>	<u>D(+ optional)</u>
Door Height	12'	8'	12'	12'	14'	12'
Door Width	10'	8'	10'	12'	12'	10'
Lane Height	12'	8'	12'	12'	14'	12'
Lane Width	14'	12'6"	12'6"	14'	14'	14'
Lane Length	64	30'*/40'**	++	++	64'	64'

* With a combination wheel alignment and brake testing device

** With a separate wheel alignment tester and brake testing device

Must have an entrance and exit door in direct line with the safety test equipment.
D OTS have optional drive through capabilities.

- ++ Lane dimensions have been waived to accommodate vehicles. Refer to subsections (e) and (f) for requirements.
- c) Class A OTS are limited to testing single vehicles or combinations of vehicles which are less than twelve feet in height when measured to the highest point of the vehicle(s). The weight of the vehicle(s) must not exceed the capacity of the authorized safety test equipment.
- d) Class B OTS are limited to testing single unit motor vehicles (trucks, tractors and buses). No trailers or semitrailers shall be tested at a B OTS. Vehicles tested at B OTS must not exceed authorized capacity of test equipment or Permit limitations (refer to subsection (b) for limitations).
- e) Class B1 OTS are authorized to test single motor vehicles. The Station can be a drive-through operation but it is not required to be. Special category vehicles or school buses being tested cannot exceed the capacity of the authorized safety test equipment. No trailers or semitrailers shall be tested at a B1 OTS.
- f) Class B2 OTS are authorized to test all sizes and combinations of vehicles. B2 OTS must have drive-through capabilities. Special category vehicles or school buses being tested cannot exceed the capacity of the authorized safety test equipment. The size of any vehicle being inspected shall not exceed the limitation of the Official Testing Station's building.
- g) Class C OTS are authorized to test all sizes and combinations of vehicles which can enter the lane facilities and not exceed the capacity of the authorized safety test equipment.
- h) Class D OTS are public OTS established solely to conduct school bus safety tests. These OTS are authorized to test all school buses which can enter the lane facility and not exceed capacity of the authorized safety test equipment. D OTS may have drive through capabilities, if their building so permits, but it is not a requirement.
- i) Any size classification OTS may test school buses provided Department authorization has been granted. The OTS operator must indicate that he has at least one employee who has been certified as a school bus tester. The lane equipment must be capable of testing the weight of a school bus.
- j) The requirements for a private Official Testing Station shall be the same as for a public Official Testing Station. The testing capabilities of the private lane or designated testing area are dependent upon the largest vehicle or combination of vehicles in the firm's fleet and the capacity of the authorized safety test equipment in the lane or the building's dimensions.
- k) Department personnel will determine appropriate OTS classifications based on lane dimensions and equipment capabilities set forth by the Department. OTS Permits shall display the allowable size dimensions for vehicles being tested in that OTS.

- l) For any lane or designated testing area, a perimeter line at least three inches wide and readily visible must be permanently marked on the floor in at least the minimum dimensions set forth in subsection (b). For lane areas, the perimeter lines must meet the minimum dimensions set forth in subsection (b). For designated testing areas, the perimeter lines must be able to accommodate the largest vehicle in the firm's fleet.
- m) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the lane or designated testing area perimeter lines.
- n) All authorized safety test equipment must be located within the lane perimeter lines.
- o) In addition to the minimum dimensions in subsection (b), a lane must have the appropriate capacity equipment installed and utilized as approved by the Department (refer to subsection (x) and Sections 451.130(b) and (d)). The Commercial Vehicle Safety Section will establish and maintain a list of authorized safety test equipment (see Section 451. Appendix F for approved list). This list will be available upon written request to the CVSS.
- p) Safety test equipment must be installed according to the respective manufacturer's specifications. The location of the installed equipment must be approved by the CVSS (refer to subsection (x)). The center line of the brake tester or wheel alignment tester may be offset from the center of the lane entrance to the center of the lane exit; however, drive-through capabilities and accurate test readings must be maintained.
- q) Each lane within a Public or Private Station must be equipped with the following equipment:
 - 1) jack or lift;
 - 2) wheel alignment indicator (drive-on type);
 - 3) brake testing device (drive-on type);
 - 4) tread depth gauge; and
 - 5) small hand tools (e.g., screwdriver, pliers, wrench).
- r) All Official Testing Stations authorized to perform Appendix G inspections must be equipped with the following items:
 - 1) marking device;
 - 2) measuring device;
 - 3) tread depth gauge;
 - 4) set of calipers;
 - 5) wheel chocks;
 - 6) flashlight; and
 - 7) scratch pad or small notebook.
- s) Each jack or lift must equal or exceed the following minimum capacities and must be capable of lifting the vehicle so that the bottom of the tires are at a distance from the floor to allow inspection of the vehicle's underside components.

- 1) Classes A, B1, B2, C and D OTS must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 18,000 pounds.
 - 2) Class B OTS, with an 8,000 or 10,000 pound vehicle scope, must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 5,000 pounds.
 - 3) Class B OTS with a 14,000 pound vehicle scope must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 8,000 pounds. This requirement pertains only to OTS licensed on or after January 1, 1977, or those where the jack or lift is replaced.
- t) Every wheel alignment indicator must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications (refer to Section 451.Appendix F).
 - u) Each brake testing device must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications (refer to Section 451.Appendix F).
 - v) Maximum vehicle weight which can be safety tested at a Class B OTS is based upon the total maximum reading of the brake testing machine. The three classes of B OTS are:
 - 1) Class B OTS which have a brake testing machine capable of registering a capacity of 1,500 pounds on the tube or dial for each tread plate may test motor vehicles up to 8,000 pounds vehicle empty weight.
 - 2) Class B OTS which have a brake testing machine capable of registering a capacity of 2,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 10,000 pounds vehicle empty weight.
 - 3) Class B OTS which have a brake testing machine capable of registering a capacity of 3,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 14,000 pounds vehicle empty weight.
 - w) Class B OTS established prior to July 1, 1973 with brake testing machine capabilities of 8,000 and 10,000 pounds empty vehicle weight, may remain active provided ownership has not changed and equipment remains in the existing building. After July 1, 1973, all new B OTS which are opened must have equipment with the capacity to test vehicles up to 14,000 pounds vehicle empty weight.
 - x) For each wheel alignment indicator installed after January 1, 1977, the indicator tower must be located to the driver's left. For each brake testing device installed after January 1, 1977, the tower must be located either on the left side or at the right front corner. Both the wheel alignment indicator and brake testing device towers must be installed so they can be easily read from the driver's seat.

- y) On brake testing machines which are mounted flush with a floor, no vehicles shall be tested if any part of the tire tread of the vehicle extends over the side or sides of the tread plate.
- z) Each item of equipment required must be maintained in proper calibration. Maintenance, calibration and repair shall be performed in accordance with the respective manufacturer's instruction manuals and specifications.
- aa) Failure to meet the qualifications in this Section will nullify an application until the qualifications are met.
- bb) Any Station that has a change in ownership, business name, equipment or location will be reclassified to the appropriate OTS classification. Any change in ownership, business name or location requires a new application and payment of the ten dollar filing fee. Following approval by Department personnel in accordance with the requirements of this Section, a new Permit will be issued.
- cc) Any Station issued a Permit for Class C or Class A OTS prior to January 1, 1977, which does not meet any specifications for its respective classification, shall be required to reclassify to the appropriate OTS classification and abide by the resultant limitations.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.120 Responsibilities of Official Testing Station Owner

- a) The owner shall require all CSTs to comply with this Part.
- b) The owner shall be responsible for all practices and procedures in the Station, including, but not limited to, any certified or non-certified personnel allowed to perform vehicle safety tests while in the employ, direction or control of the owner. The owner is responsible for all safety test practices and procedures in the Station, regardless of whether the owner has knowledge or approves of such practices and procedures.
- c) The Station owner is responsible for his own conduct and behavior and that of his station's employees. No station owner or employee shall harass or intimidate any officer of the Department.
- d) No Station Owner shall allow the rates charged to be more or less than the scheduled rates approved by the Department and posted at the OTS. If a rate increase has been approved by the CVSS, the higher rate cannot be charged until the new fee schedule has been posted at the OTS.
- e) No Station owner shall allow any repairs or adjustments to be initiated without the express permission of the vehicle owner or driver. Station owners shall only allow labor charges to be assessed for specific mechanical work performed.
- f) No Station owner shall allow any additional administrative charge (e.g., billing charges) to be assessed against the vehicle owner or driver.

- g) Nothing in this Section shall be construed to mean that any adjustment, correction or repair must be made at the Station performing the safety test.
- h) It shall be the owner's responsibility to notify the CVSS immediately of any change in ownership, business name, location or status. Such changes include incorporation of the firm, change in corporate officers or dissolution of partnership or corporation. Any such change without immediate notification shall automatically cancel the existing Permit.
- i) The owner of an Official Testing Station shall notify the CVSS in writing when he or his employees wish to make application to become a CST. The letter of request must include the applicant's:
 - 1) Full name;
 - 2) Date of birth;
 - 3) Driver's license number; and
 - 4) Photo which measures at least two inches by two inches but no more than three inches by three inches.
- j) If a Station is required to have testing equipment, the owner is responsible for the training of employees on the equipment and testing procedures before the employee is tested by Department personnel to become a CST.
- k) It shall be the owner's responsibility to immediately notify the CVSS when neither he nor any of his employees is eligible to test vehicles. Failure to have at least one employee who is a CST automatically suspends the Official Testing Station Permit until such time as the owner or an employee becomes certified. The owner shall immediately notify the CVSS of the OTS closure and subsequent reopening. If the OTS is closed for more than 30 days, Department personnel must reopen the lane.
- l) It shall be the owner's responsibility to notify the CVSS at least ten days prior to any scheduled voluntary OTS closing (e.g., vacations, periodic equipment maintenance).
- m) If a Station is required to have testing equipment, the owner is responsible for maintaining the equipment in proper calibration and working order and for maintaining the Station and lane(s) and designated testing area in proper condition as required in this Part.
- n) If a Station is required to have testing equipment, it shall be the owner's responsibility to close the Station when any piece of testing equipment malfunctions.
 - 1) Equipment malfunctions and subsequent closure shall be reported immediately to the CVSS.
 - 2) Testing shall not be resumed until repairs are completed and approval is secured from the Department inspector to resume testing. The Department's inspector will confirm that the testing equipment is working

in accordance with the manufacturer's specifications as authorized by Section 12-812 of the Illinois Vehicle Equipment Law.

- 3) If a rejected vehicle returns to a closed OTS for retest of a component requiring use of the defective testing equipment, the test fee shall be refunded.
- o) Upon receipt of any addition, deletion or other notification of change issued by the Department, it shall be the owner's responsibility to file updates to their copy of this Part. The complete and current copy of this Part shall be kept at the Official Testing Station and shall be made available to all CSTs at all times.
- p) It will be the owner's responsibility to bring to the attention of all employees who work with any part of the Official Testing Station any material disseminated by the CVSS, including, but not limited to, changes, additions and deletions to this Part. Employees are to be made aware of any disciplinary actions taken against the Station by the CVSS.
- q) It shall be the owner's responsibility to maintain a supply of all forms needed in the operation of the Official Testing Station. The necessary forms are obtained from the Department by submitting an order on the form or forms prescribed by the CVSS. The inventory of forms will be subject to inspection by Department personnel on the premises of the Official Testing Station.
- r) It shall be the owner's responsibility to ensure that he, as well as his employees, utilize the proper and current forms. The forms shall be completed correctly and legibly and shall be submitted to the Department by the owner or owner's authorized personnel as set forth in this Part.
- s) It shall be the owner's responsibility to maintain a supply of Certificates of Safety and numerical insert decals to accommodate any type vehicles, including rebuilt and interstate, the OTS is authorized to test and which is presented for original inspection or any type vehicle the OTS is authorized to test and which has been returned for retest. If the Station does not have a supply of Certificates and numerical insert decals to issue to a rejected vehicle returning for retest, the test fee shall be refunded to the vehicle owner.
- t) The owner shall be responsible for the proper security, distribution in sequential order by cycle and handling of the Certificates of Safety.
- u) If a Station is required to have testing equipment, it shall be the owner's responsibility to immediately notify the CVSS of any change in equipment, regardless of whether the OTS's classification is affected.
- v) It shall be the owner's responsibility to provide funds to cover the cost of any Certificate of Safety order submitted, either through transmittal of appropriate funds or through use of a previously established credit balance.
- w) If as the result of an Administrative Hearing an Official Testing Station Permit is suspended, performance of any and all vehicle inspection activities shall be prohibited for the duration of the suspension. It shall be the owner's

responsibility to surrender the OTS Permit, Certificates of Safety and other related supplies requested by authorized personnel of the Department on the date the suspension begins. The owner shall be responsible for making certain all employees honor the terms of the suspension.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.130 Responsibilities of Certified Safety Tester

- a) Persons interested in becoming a Certified Safety Tester (CST) must meet the following requirements:
 - 1) Be at least eighteen years of age; and
 - 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CST is awarded:
 - 1) Pass a written test based on this Part.
 - 2) If the Station is required to have testing equipment, demonstrate proficiency in the operation and calibration of the equipment at the Station where employed.
 - 3) Physically inspect an appropriate vehicle.
- c) Only a CST who has been licensed for a minimum of thirty days to test trucks is eligible to make application to take a school bus examination. (Employees of Class D and P school bus OTS are exempt from this subsection.)
- d) Every applicant must accomplish the following before certification as a School Bus CST is awarded:
 - 1) Pass a written test based on this Part.
 - 2) Demonstrate proficiency in the operation and calibration of the safety test equipment at the Station where employed.
 - 3) Physically inspect an appropriate vehicle.
- e) The Station Owner may request retesting of a CST applicant who failed the initial test(s).
 - 1) A person who failed any part of the initial examination shall wait a period of fifteen days before reapplying.
 - 2) A person who fails a second time shall wait a period of thirty days before reapplying.

- 3) After three failures within one twelve month period, a person is not eligible to take the examinations for a period of one year from the date of the last failure.
-
- f) A CST shall test a minimum of ten percent of the vehicles safety tested during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. A CST will be required to pass an exam if he does not test 10% of the vehicles and is either issued warning tickets or citations or has a Vehicle Inspection Report error rate in excess of the statewide average (approximately 10%).
 - g) If the OTS where a CST is employed changes testing equipment in a lane, the CST shall be required to demonstrate proficiency in the operation of the new testing equipment.
 - h) If a CST leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing a transfer of the CST's certification.
 - 1) The CVSS may require the CST to pass the written and proficiency examinations before his Certificate is transferred.
 - 2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds thirty days, if the OTS classifications of the two Stations differ or if the testing equipment differs.
 - i) The CST's Certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CST:
 - 1) Ceases testing vehicles; or
 - 2) Ceases to be employed by the Official Testing Station; or
 - 3) Certificate is suspended, cancelled or revoked; or
 - 4) Fails to maintain his certification; or
 - 5) Driver's license is expired, cancelled, suspended or revoked.
 - j) The testing privileges granted by the CST's Certificate shall be subject to cancellation, suspension or revocation (see Section 451.70(j) for suspension or revocation procedures) by the Department for any violation of this Part (see Section 13-108 of the Illinois Vehicle Inspection Law regarding administrative hearings).
 - k) If a CST's Certificate has been suspended for ninety days or more or cancelled, the CVSS will require that the CST pass the written and proficiency examinations prior to recertification.

- l) If an OTS is inoperative for a period of six months or more, all CST Certificates shall be cancelled. Any former CST shall be required to be reexamined before a Certificate is issued.
- m) Failure of a CST to pass either the proficiency or written portion of any retest shall automatically cancel their Certification.
- n) Refusal of a CST to submit to retesting shall automatically cancel his certification and his Certificate shall be immediately surrendered to Department personnel.
- o) No person shall perform a safety test unless rated as a CST by the CVSS and possess a valid Certificate issued by the CVSS. The Certificate shall be displayed at the OTS where the CST is employed.
 - 1) No CST, Station Owner, or Station employee shall authorize duties which are required to be performed by a CST to one who is not a CST.
 - 2) No person shall test school buses unless they have been rated as a School Bus CST.
 - 3) The Department will issue a citation/complaint or warning ticket to an OTS employee who is not a CST but who has safety tested vehicle(s) and issued Certificate(s) of Safety in violation of this Part or Section 13-100 et seq. of the Illinois Vehicle Inspection Law.
- p) The CST shall perform the applicable safety test according to the vehicle's type and required test procedures (see Section 451. Appendices A, B, C, D and 92 Ill. Adm. Code 396 and 448 for testing procedures).
- q) Before beginning the safety test, the CST shall remove any old Certificates of Safety affixed to the vehicle.
- r) The CST must verify that the Vehicle Identification Number (VIN) which is recorded on the vehicle registration material is identical to the VIN found on the vehicle VIN plate.
- s) The CST shall have sole physical control during the entire safety test procedure for any special category vehicle or school bus being tested.
 - 1) A CST shall perform the retesting of repaired components requiring use of testing equipment only within the perimeter lines of the lane.
 - 2) A CST shall not perform any repairs or charge for any repairs made on a vehicle submitted for a safety test without the express consent of the owner or driver.
- t) The CST shall be responsible for all safety test results entered on the Vehicle Inspection Report (VIR). The CST shall prepare an inspection report for each and every vehicle presented for a test. The CST shall print his name and write his signature in the proper space on the VIR when the test is completed.

- u) The CST who performed the original safety test or retest of a vehicle shall affix the appropriate Certificate of Safety on the windshield as prescribed in Section 451.140(o). The Certificate of Safety shall be affixed only if the vehicle tested equals or exceeds all requirements of this Part.
 - 1) The CST shall complete the reverse side of the Certificate of Safety with the required information using a permanent ink pen.
 - 2) The CST shall affix to the face of the Certificate of Safety the appropriate numeric decal insert representing both the month of vehicle certification and the Certificate of Safety expiration date.
- v) A CST shall not accept any gratuity from any person for or in connection with an official safety test or for the issuance or giving of a Certificate of Safety.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.140 Certificate of Safety

- a) Certificates of Safety shall be affixed to second division vehicles and applicable first division vehicles (i.e., rebuilt vehicles and driver education training cars) as a result of passing the prescribed safety test (see Section 451. Appendices A, B, C, D and 92 Ill. Adm. Code 396 and 448 for testing procedures).
- b) Certificates of Safety remain the property of the State of Illinois and can be seized when Official Testing Stations are in violation of this Part.
- c) Certificates of Safety at Public and Private Official Testing Stations shall be subject to inspection by Department personnel at any time listed in Section 451.70(1)(1)(B).
- d) Certificates of Safety shall comply with the following physical description:
 - 1) Change color with every six month testing cycle (except rebuilt vehicle and interstate (annual) certificates);
 - A) Rebuilt vehicle certificates never change color. They are issued only once.
 - B) Interstate (annual) certificates change color every year.
 - 2) Display on front side the State of Illinois seal;
 - 3) Measure 3 x 2 3/4 inches;
 - 4) Display on front side a serial number which shall be unique to the Certificate and begin with one of the following codes "TRK" (for truck), "TRL" (for trailer), "SHB" (for school bus), or "RBV" (for rebuilt vehicle);
Note: Interstate (annual) certificates begin with TRK or TRL.

- 5) Display on back side an area where required information shall be inserted by the CST (except trailer certificates); and
 - 6) Display on front side an area where the numerical insert decal identifying the expiration month (except rebuilt vehicle certificates).
- e) Except as authorized by the Department, no person shall duplicate, alter, reproduce, manufacture, or create by any manner or means, a Certificate of Safety or facsimile thereof.
 - f) Certificates of Safety expire at midnight on the last day of the month indicated by the large numerical insert applied on the individual Certificate (i.e., no grace period).
 - g) School buses are required to be inspected at least every six months or 10,000 miles, whichever occurs first. (Section 13-109 of the Illinois Vehicle Inspection Law) School bus Certificates of Safety expire at midnight on the last day of the month indicated by the large numerical insert applied on the certificate or when the odometer reading on the bus exceeds the mileage found on the mileage inspection due line on the back of the Certificate of Safety.
 - h) No Station Owner or CST shall issue, nor shall any person accept, obtain or attempt to obtain a Certificate of Safety for a vehicle which has not completely passed a safety test as described in Section 451. Appendices A through D and 92 Ill. Adm. Code 396 and 448.
 - 1) Possession by a vehicle owner or operator of a Certificate of Safety which is not firmly affixed to a vehicle, or is affixed in any other location than the prescribed location, shall be prima facie evidence of obtaining a Certificate of Safety without a proper safety test. Possession of such Certificate of Safety indicates the CST did not perform a proper safety test.
 - 2) If as the result of an Administrative Hearing or the filing of a voluntary waiver of hearing and a plea of guilty, the Secretary of the Department makes a determination of a defendant's guilt, each Certificate of Safety involved in the action will be confiscated immediately by personnel of the Department from any person possessing illegally obtained Certificate(s) or from any vehicle displaying illegally obtained Certificate(s).
 - 3) The Department assumes no liability for the cost of reinspection of a vehicle from which a Certificate has been confiscated.
 - 4) Each Certificate of Safety illegally issued or illegally obtained shall be a separate, distinct violation of this Part.
 - i) Each Certificate of Safety issued by the Station must be accounted for on the appropriate corresponding Vehicle Inspection Report.
 - j) The Certificate of Safety shall be issued at the Station. The Certificate shall be affixed by the CST in the correct six month or annual cycle and in numerical

sequence, starting with the lowest serial number and proceeding in strict ascending order through the highest serial number. Such numerical progression shall be directly related to the passage of time and date of tests performed.

- k) The numerical insert decal applied to the Certificate of Safety shall correspond to the date of the original test, or retest, and the month of expiration.
- l) Truck, school bus and rebuilt vehicle Certificates of Safety shall be written upon only as prescribed by the Department. The backside of the Certificate of Safety shall be completed by the CST as prescribed before the Certificate of Safety is affixed to the vehicle. The following information must be completed on the backside of the corresponding Certificate of Safety:
 - 1) Truck - license plate number and CST signature.
 - 2) School Bus - date of inspection, mileage inspection due and CST signature.
 - 3) Rebuilt - date of inspection and CST signature.
- m) No Station shall borrow, purchase or receive any Certificates of Safety from another Station. No Station shall lend, sell, or give any Certificates of Safety to another Station. All Certificates of Safety must be received from the CVSS or authorized personnel of the Department.
- n) Any second division vehicle which is exempted by Section 13-101 of the Illinois Vehicle Inspection Law may be safety tested if the vehicle owner so wishes and a Certificate of Safety may be issued provided the vehicle passes the appropriate safety test.
- o) Certificates of Safety shall be applied as follows:
 - 1) Vehicles with windshields - As close as possible to the extreme bottom of the windshield glazing in line with the steering column on the left side of the vehicle.
 - 2) Vehicles without windshields - Directly to the exterior surface of the vehicle. This surface must be a permanent part of the vehicle. This surface must be a permanent part of the vehicle's body which cannot be removed from the vehicle. The Certificate of Safety shall be affixed to the left side of the vehicle at the lower corner of the leading edge of the vehicle above the "bump rail." If no permanent part of the body exists, the Certificate of Safety shall be affixed to the "bump rail." The surface of the Certificate of Safety must face at approximately ninety degrees from the body of the vehicle.
 - 3) Rebuilt trailers and motorcycles (without windshields) - Staple the Certificate of Safety to the driver's blue copy of the VIR.
- p) Certificates of Safety become void if removed from the vehicle. Any voided Certificates cannot be reaffixed to the same vehicle or a different vehicle.

- q) If the original Certificate of Safety is mutilated, destroyed or voided within sixty days of the original test due to the replacement of the vehicle windshield, the vehicle owner shall immediately return the vehicle to the original issuing Station.
 - 1) The original Station shall issue a replacement Certificate without additional charge, provided the vehicle owner returns the original Certificate displaying a complete serial number.
 - 2) If the vehicle owner is not able to furnish the old Certificate to the Station or if the Certificate does not display a complete serial number, a Certificate fee shall be charged for the replacement Certificate.
 - 3) A police report shall be presented to the Station Owner by the driver of a vehicle who requests a replacement for a lost or stolen Certificate of Safety. This report should be attached to the Station's copy of the VIR and filed in the appropriate place.
- r) If the original Certificate is mutilated, destroyed or voided and if more than sixty days has elapsed since the original test, a complete inspection shall be performed.
- s) Certificates of Safety shall be issued to the Official Testing Station by the CVSS only after the appropriate fee to pay for the order has been received. A credit balance may be used to pay for an order.
- t) Certificates of Safety fees authorized by Section 13-110(b) of the Illinois Vehicle Inspection Law shall be paid to: TREASURER, STATE OF ILLINOIS, by the Official Testing Station for each Certificate issued. The Station shall only charge the authorized Certificate of Safety fee when issuing a certificate.
- u) The Station Owner shall authorize the signatures of two employees to request Certificates of Safety on the prescribed order form.
 - 1) All requests for Certificates, both original and reorder, shall be submitted on the preprinted order form, telegram or reorder form.
 - 2) Each request shall include the Station number, name, complete address; quantity, type and cycle of Certificates being ordered; name of person submitting order; and funds to cover the cost of the order (unless Station has a credit balance to pay for the order).
- v) The following procedures shall be followed when ordering or reordering Certificates of Safety for emergency purposes:
 - 1) Send telegram and funds (unless Station has a credit balance) to cover cost of order to:

Illinois Department of Transportation
Commercial Vehicle Safety Section
3215 Executive Park Drive

Springfield, Illinois 62703

- 2) The order or reorder for Certificates must include the following information:
 - A) Complete OTS number (four digits);
 - B) Complete name of Official Testing Station;
 - C) Address of Official Testing Station;
 - D) Full name of person sending telegram;
 - E) Telephone number of OTS;
 - F) Type (i.e., intrastate (semiannual) truck or trailer, interstate (annual) truck or trailer, school bus, or rebuilt);
 - G) Number of Certificates requested; and
 - H) Cycle number of Certificates needed.
- 3) Certificate orders or reorders may be picked up by authorized personnel presenting a completed order and the appropriate funds to:

Illinois Department of Transportation
Commercial Vehicle Safety Section
3215 Executive Park Drive
Springfield, Illinois 62703

- 4) Orders can be transmitted through the Commercial Vehicle Safety Section's (CVSS) facsimile machine. The telephone number to reach the CVSS facsimile machine is 217/782-9159.
- w) Certificates of Safety from the same cycle must be ordered on the same requisition form. A "cycle" is defined as the periods of January through June, July through December or for interstate vehicles. If Certificates of Safety are needed for more than one cycle, a separate requisition form must be used.
 - x) The Station Owner shall immediately return a signed receipt to the CVSS for all Certificates of Safety delivered to his Station. Delivery of Certificates of Safety cannot be made to any address other than that of the Official Testing Station unless prior written approval has been made by the CVSS. If a station owner requests that the Certificates of Safety be delivered to his home address or the home address of a designated employee, the CVSS will approve the delivery.
 - y) Inventory requirements for Official Testing Station:
 - 1) The Official Testing Station must maintain a supply of Certificates of Safety and numerical insert decals to issue to both originally tested vehicles and vehicles returning for retest.
 - 2) If the original Official Testing Station does not have a supply of Certificates of Safety to issue to a rejected vehicle being returned for retest, the test fee shall be refunded to the vehicle owner.
 - z) Certificates of Safety shall be stored in a locked safe or other locked place within the Official Testing Station. Only written authorization from the CVSS shall

permit storage of the Certificates of Safety for security purposes at another location.

- aa) Procedures required for the reporting of lost or stolen Certificates of Safety:
 - 1) The Station Owner shall immediately notify the police agency in the jurisdiction where the Station is located of the loss or theft of any Certificates of Safety.
 - 2) The Station Owner shall then notify the CVSS without delay by telephone (217/782-2920) giving Station name, number, and address; the series and serial numbers of the Certificates that were lost or stolen; and the name of the person reporting the loss.
 - 3) The Station Owner shall complete the prescribed SVI-1241-1&2 Form. The Administrator's copy is to be mailed to the CVSS. The Station's copy is to be retained in the Station's eighteen month file.
 - 4) Credit will not be issued for either Certificates lost while in transit from the Station to the CVSS or those which are stolen from the Station. It is the responsibility of the OTS owner to file a claim with the appropriate party.
- bb) All unused Certificates of Safety from the preceding test cycle shall be returned during the first ten days of a new cycle. The complete OTS number must be written on the back cover of each returned booklet of Certificates. For all unused Certificates of Safety returned (without inserts applied), an equal amount of the fee paid shall be credited to the Official Testing Station's account. This credit may be used to offset the cost of future orders.
- cc) If defective, mutilated, or voided (due to replacement of windshield) Certificates are being returned, a completed SVI-1280 is to be submitted to the CVSS with the necessary information. An amount equal to the fee paid shall be credited to the Station for each returned defective, mutilated or voided Certificate. Each Certificate returned must clearly display a complete serial number and must be less than sixty days old.
- dd) When an Official Testing Station permanently closes, the owner shall submit a written request to the CVSS in order to obtain any refund monies due the Station. The refund will cover all Certificates previously returned for credit. The request must include the owner's social security number or federal employer's tax number.
- ee) When Certificates of Safety are returned to the CVSS, they shall be sent by certified mail.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.150 Completion Procedures for Vehicle Inspection Report (VIR)

- a) The VIR shall be completed by a CST for each and every vehicle submitted for an inspection at an Official Testing Station.

- b) The VIR remains the property of the Department at all times.
- c) Every combination of vehicles (e.g., tractor-trailer) shall be tested as separate units and must have separate VIRs.
- d) The vehicle owner's registration card, title, or equivalent proof of ownership shall be presented to the CST at the time of the safety test for all vehicles being tested. For school bus inspections, a valid wheel pull form (SB6) shall also be presented to the CST prior to the safety test. The safety test cannot begin without proper ownership documentation and wheel pull form (if school bus is tested).
- e) The CST must verify that the Vehicle Identification Number (VIN) which is recorded on the vehicle registration material is identical to the VIN found on the vehicle VIN plate.
- f) The CST must remove the old Certificate of Safety from the windshield of the vehicle before beginning the inspection.
- g) The CST shall write legibly and use only a number two lead pencil to record information on the VIR.
- h) VIR's are separated into two types: school bus and all vehicles other than school buses. The school bus VIR is used only for school buses and the other VIR is used for all other vehicles.

(AGENCY NOTE: Copies of the Vehicle Inspection Reports are available upon request at the Department's Commercial Vehicle Safety Section)

- i) For all vehicles other than school buses, the CST must indicate in Field A whether the vehicle is tested semiannually (IVC) or annually (Interstate).
- j) In fields, 5, 7, 10, 11 and 21, the required numbers and/or letters shall be written in the spaces above the bubbled area and the corresponding bubbles shall be marked below.
- k) The following fields shall be recorded on the VIR in the following order:
 - 1) Field 8 - Date of the safety test.
 - 2) Field 9 - Starting time of safety test.
 - A) Time recorded must directly correspond to actual time of test.
 - B) Only one vehicle is to be tested at a time.
 - 3) Field 11 - Official Testing Station and CST identification numbers.
 - 4) Field 12 - CST initials.

- 5) Field 1 - Manufactured year of the vehicle.
 - A) Shall be found on the proof of ownership material.
 - B) If the vehicle's year is prior to 1970, only the bubble labeled "prior to 1970" is marked.
 - C) For all other years, the appropriate combination of 1970 or 1980 and the appropriate last digit of the year is marked (e.g., for a 1983 vehicle, the "1980" and "3" bubbles would be marked).
- 6) Field 2 - Type of vehicle to be tested.
- 7) Field 2A - Vehicle rejected and not returned within 30 days.
- 8) Field 3 (school bus) - Vehicle chassis
Field 3 (other than school bus) - Vehicle make
- 9) Field 4 (school bus)- Body type
Field 4 (other than school bus) - Trailer make
- 10) Field 5 - License Plate Number
 - A) Enter the exact license plate letters and/or numbers found on the plates attached to the vehicle.
 - B) Begin filling from the left most box and proceed to the right.
 - C) Fill only enough boxes to record the number.
 - D) If no plates are attached to the vehicle, enter "NONE" in the upper fields and mark the appropriate bubbles below.
- 11) Field 7 - Vehicle Identification Number (VIN)
 - A) Begin filling from the left most box and proceed to the right.
 - B) Do not leave any blank spaces between numbers or letters.
 - C) Blank spaces are acceptable only at the far right if not needed to record the VIN.
- 12) Field 10 - Odometer Reading
 - A) Begin filling from the right most box.
 - B) Mark "0" in any unoccupied boxes (e.g., odometer reading of 17,323 would be written 017,323).
 - C) Mileage is bubbled in thousands of miles (e.g., odometer reading of 17,323 would be bubbled 017).

- 13) Field 15 - Number of Axles
 - A) Mark the number of wheel axles found on the vehicle.
 - B) Single and double wheel axles are recorded separately.
- 14) Field 13 - Component Reject Area
 - A) Mark the appropriate bubble(s) for any defects found on the vehicle during the safety test.
 - B) Complete the entire test, regardless of defects found.
 - C) Where several defects are represented by the same bubbled area, the "remarks section" on the second blue sheet of the VIR is to be used for a more detailed description of the defects found (school bus VIR only).
- 15) Field 16 - Test Fee
 - A) Enter the test fee charged according to the posted Official Testing Station fee schedule.
 - B) If a Certificate of Safety is issued, the fee for the Certificate is to be included in this field. If no Certificate of Safety is issued, only the test fee is recorded.
- 16) Fields 17 and 18 - Repair Charges
 - A) The cost of parts used for minor repairs shall be entered in Field 17. No repairs or adjustments shall be initiated without express permission of the vehicle owner or driver.
 - B) The cost of labor necessary to make minor repairs shall be entered in Field 18. Labor charges can only be assessed for specific mechanical work performed.
 - C) The costs shall be rounded to the nearest dollar.
- 17) Field 14 - Completion Time of Test.
 - A) Time is determined after testing procedures and Vehicle Inspection Report are complete.
 - B) Both the front and rear sides of the Vehicle Inspection Report must be complete.
- 18) Fields 19, 20 and 21 - Certificates of Safety Issued

- A) Certificates of Safety shall only be issued to a vehicle meeting or exceeding the minimum safety test requirements.
 - B) The date the Certificate is affixed to the windshield shall be entered in Field 19.
 - C) The time the Certificate is affixed shall be entered in Field 20.
 - D) The complete eleven-digit Certificate serial number shall be entered in Field 21.
- 19) Field 22 - Total Costs for Safety Test
- A) Field 22 is mandatory for all Official Testing Stations (OTS) other than Private OTS. Field 22 is optional for Private OTS.
 - B) Subtotal fees are separated into the following categories:
 - i) Test fee;
 - ii) Labor charge;
 - iii) Parts charge;
 - iv) Sales tax; and
 - v) Certificate of Safety fee categories.
- I) The legal section on the reverse side of the second and third copies of the Vehicle Inspection Report must be completed. The CST can either complete both copies or remove the last page of carbon paper and reinsert it back into the VIR between the second and third copies of the form. This allows the information which is required on the back of the VIR to also be shown on the back of the second copy.
- 1) Item 1 - Vehicle Owner's Identification
- A) Enter the complete name and address of the owner as shown on the proof of ownership or registration material.
 - B) Information shall be printed legibly and no abbreviations are acceptable.
- 2) Item 2 - Driver's signature
- 3) Item 3 - CST name and signature
- A) Must be complete name.
 - B) Legal signature only.

- 4) Item 4 - Retesting CST Signature
 - A) Completed only when a rejected vehicle returns for retest.
 - B) The CST performing the retest and signing Item 4 does not have to be the same CST who performed the original safety test.
- m) For interstate vehicles, the CST must complete the pass/fail check off list on page two. Only those components that apply to the unit being inspected can be checked.
- n) For each replacement Certificate issued, field numbers 1-7, 10-13 (code only "Replacement Certificate of Safety" bubble at right end of "Glazing" line), 15, 16 (code amount of Certificate of Safety fee if charge was made; skip this field if no charge was made), and 19-21 shall be completed on a VIR.
- o) The Certificate of Safety fee shall not be charged to the driver until the Certificate is issued.
- p) It is the responsibility of the Official Testing Station Owner to issue, submit and file the completed Vehicle Inspection Report copies as listed below:
 - 1) Top Copy: Submitted to the Department.
 - A) Copy is held at the Station until the first Monday following the test.
 - B) Each Monday all VIRs completed the previous week are to be mailed to the following address:

Illinois Department of Transportation
2300 S. Dirksen Parkway
Room 022
Springfield, IL 62764
 - 2) Second Copy: Filed at Official Testing Station.
 - A) VIR's completed for interstate (annual) inspections must be filed separately from all other VIRs. All VIR's, including interstate VIR's, must be filed in the following order:
 - i) Certificate of Safety code (i.e., TRK, TRL, SHB or RBV).
 - ii) Certificate of Safety serial number (Field 21).
 - iii) Date and time Certificate of Safety is applied.
 - iv) Month Certificate of Safety is applied.
 - B) For school bus inspections, the corresponding wheel pull form (i.e., SB6) shall be attached to the second copy.

- C) The second copy shall be preserved, protected, and retained for a minimum of eighteen months from Certificate of Safety issuance date.
 - D) The second copy shall be available for inspection by Department personnel during regular business hours which are listed in Section 451.70(1)(1)(B).
- 3) Third Copy: Issued to Driver.
- q) Vehicle Inspection Reports - Rejected Vehicles:
 - 1) First and second copies are to be retained at the Station for thirty days.
 - 2) Third copy allows thirty days for repair and return to the original Station for re-inspection of only previously rejected components. If the vehicle passes inspection, only the Certificate of Safety fee (\$1) can be charged. The cost of the original inspection covers the cost of re-inspection for thirty days.
 - 3) If the vehicle is returned for retest within the thirty day period of time, the VIR is to be completed and copies distributed as in subsections (p)(1), (2) and (3).
 - 4) If at the end of thirty days the vehicle has not returned for a retest, field 2A is completed and the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The second copy is filed in the eighteen month file by month of original test.
- r) Vehicle Inspection Reports - Incomplete Vehicles:
 - 1) The first and second copies of the VIR shall be held at the Station for sixty days.
 - 2) The third copy allows sixty days for completion and return to the original Station for retest.
 - 3) If the vehicle is returned for retest within the sixty day period, the VIR is completed and copies distributed as in subsections (p)(1), (2), and (3).
 - 4) If at the end of the sixty days the vehicle has not returned for retest, field 2A is completed and the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The second copy is filed in the eighteen month file by month of original test.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.160 Official Testing Station Forms, Records and Reports

- a) The following forms, records, supplies and reports which are required for the operation of an Official Testing Station shall be prescribed and furnished by the CVSS:
- 1) VIR-1 - Vehicle Inspection Report
 - 2) VIR-2 School Bus - Vehicle Inspection Report
 - 3) SVI-1241-1 - Lost or Stolen Certificate Report
 - 4) SVI-1280 - Defective, Multilated or Replacement Certificate of Safety Report
 - 5) GVI-R075 - Certificate of Safety Requisition Form
 - 6) SVI-1274 - Requisition form for all supplies, including Certificates of Safety. Receipt for Certificates of Safety.
 - 7) VIR Mailers - Envelopes used to return top copy of VIR to the Department for tabulation. Do not use these envelopes for any other purposes. School bus VIRs must be returned to the Department in school bus mailers.
- b) All required forms, records, supplies and reports will remain the property of the Department.
- c) All forms, completed records and reports shall be kept in a secure place within the Official Testing Station.
- d) Furnished materials shall be available for inspection by Department personnel anytime during the hours listed in Section 451.70(1)(1)(B).
- e) Upon request of the Department, all materials and supplies furnished by the Department will be surrendered immediately to Department personnel when the Station is either temporarily or permanently closed.
- f) It shall be the Station Owner's responsibility to maintain a supply of all forms needed in the operation of the Official Testing Station. These forms may be obtained from the CVSS by submitting the prescribed order form. It shall be the owner's responsibility to make sure his employees utilize the proper forms.
- g) It shall be the Station Owner's responsibility to mount in a prominent place, within the lane, designated testing area or immediately adjacent, a display board to contain the following items which are furnished by the CVSS:
- 1) Official Testing Station Permit;
 - 2) Certificate of each CST;
 - 3) Lighting Devices and Reflectors Chart;

- 4) Approved inspection fee per axle as shown on the Vehicle Inspection Station Price Schedule (if applicable); and
- 5) Approved school bus inspection fee as shown on the Official School Bus Testing Lane poster (if applicable).
- h) The items required to be displayed shall be posted immediately upon receipt.
- i) The posted items shall be covered and protected, either individually or as a group, by a transparent material to preserve their neat and legible appearance.
- j) The board displaying the posted items must be accessible and visible to the vehicle's driver waiting for a safety test.
- k) The Station Owner shall advise the CVSS immediately if any of the posted items need to be reissued due to their being inaccurate, invalid, illegible or no longer current.
- l) All posted items remain the property of the Department.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.ILLUSTRATION A Stop Arm Panel (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.ILLUSTRATION B Exhaust Guidelines (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX A Inspection Procedures/Specifications for Type I School Buses (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX B Inspection Procedures/Specifications for Type II School Buses (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX C Inspection Procedures/Specifications for Type I Special Education School Buses (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX D Inspection Procedures/Specifications for Type II Special Education School Buses (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX E Driver's Pre-Trip Inspection Requirements (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

Section 451.APPENDIX F Authorized Inspection Equipment

CLASS "A," "C," APPLICABLE "B1," "B2," "D" and "P" OTS

Brake Tester Ammco, Tools, Inc. 900 Flush Type
Brake Tester Bear Mfg. Co. 4505 Surface Type
Brake Tester Bear Mfg. Co. 4506 Flush Type
Brake Tester Bear Mfg. Co. 4510 Surface Type
Brake Tester Weaver Mfg. Co. WY-40SA Surface Type
Brake Tester Weaver Mfg. Co. WY-70SA Flush Type
Brake Tester Weaver Mfg. Co. WY-75 Flush Type
Brake Tester Weaver Mfg. Co. WY-85 Flush Type
Brake Tester Weaver Mfg. Co. WY-400 Surface Type
Brake Tester Hunter Engineering B-400T Computerized
Co.
Combination Brake Tester- Weaver Mfg. Co. WY-76 Flush Type
Wheel Alignment Tester Weaver Mfg. Co. WY-86 Flush Type
Wheel Alignment Tester Alemite Division 3132 Surface Type
Wheel Alignment Tester Ammco Tools, Inc. 8725 Surface Type
Wheel Alignment Tester Bear Mfg. Co. 230 Surface Type
Wheel Alignment Tester Bear Mfg. Co. 231 Flush Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-23 Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-27 Flush Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-132A Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-133A Flush Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-130A Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-131 Flush Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-132 Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-133 Flush Type
Wheel Alignment Tester Hunter Engineering SS 100T
Co.

Lifting Equipment Any Jack, Lift or Hoist having a lifting capacity of 18,000 pounds or more and capable of lifting the heaviest type of vehicle to height adequate for proper "front end" inspection.

CLASS "B" and APPLICABLE "D" AND "P" OTS

Brake Tester Ammco Tools, Inc. 800 Flush Type
Brake Tester Bear Mfg. Co. 450 Surface Type
Brake Tester Bear Mfg. Co. 451 Flush Type
Brake Tester Bear Mfg. Co. 450W Surface Type
Brake Tester Weaver Mfg. Co. WY-30 Surface Type
Brake Tester Weaver Mfg. Co. WY-60 Flush Type
* Combination Brake Tester-
Wheel Alignment Tester Weaver Mfg. Co. WY-25 Surface Type
Wheel Alignment Tester Ammco Tools, Inc. 8725 Surface Type
Wheel Alignment Tester Bear Mfg. Co. 240 Surface Type

Wheel Alignment Tester Bear Mfg. Co. 241 Flush Type
Wheel Alignment Tester Bear Mfg. Co. 250 Surface Type
Wheel Alignment Tester John Bean Div.
(FMC Corp.) 146 Surface Type
Wheel Alignment Tester John Bean Div.
(FMC Corp.) 149 Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-22 Surface Type
Wheel Alignment Tester Weaver Mfg. Co. WJ-25 Flush Type

* This piece of equipment is acceptable only if it remains in the possession of the owner as of July 1, 1973, or if it is sold to a new owner but remains in the same facility.

Lifting Equipment Any Jack, Lift or Hoist having a lifting capacity of 5,000 pounds or more and capable of lifting the heaviest vehicle to be inspected to a height adequate for proper "front end" inspection.

The foregoing list of approved equipment supersedes all previous approved equipment lists.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)

Section 451.APPENDIX G Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974 (Repealed)

(Source: Repealed at 19 Ill. Reg. 4394, effective March 13, 1995)

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 453
SPECIFICATIONS FOR SEAT SAFETY BELTS

Section

- 453.10 Purpose
- 453.20 Application
- 453.30 Incorporation by Reference of 49 CFR 571

AUTHORITY: Implementing and authorized by Section 12-603 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603) [625 ILCS 5/12-603].

SOURCE: Adopted at 17 Ill. Reg. 8563, effective June 1, 1993.

Section 453.10 Purpose

This Part establishes performance specifications for seat safety belts and for their attachment and installation.

Section 453.20 Application

- a) This Part applies to the front seat safety belts of a first division vehicle with a model year of 1965 or later sold in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(a)) [625 ILCS 5/12-603(a)]
- b) This Part applies to the front seat safety belts of a first division vehicle which is titled or licensed by the Secretary of State and which has a model year of 1961 or later operated in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(b)) [625 ILCS 5/12-603(b) (1992)]

Section 453.30 Incorporation by Reference of 49 CFR 571

The Federal Motor Vehicle Safety Standards Nos. 209 (Seat Belt Assemblies) and 210 (Seat Belt Assembly Anchorages) are incorporated by reference, as those parts of the federal regulations were in effect on October 1, 1991. No later amendments to or editions of 49 CFR 571.209 and 571.210 are incorporated.

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 454
RATES TO BE CHARGED BY OFFICIAL TESTING STATIONS FOR VEHICLES OTHER
THAN SCHOOL BUSES

SUBPART A: RULES OF GENERAL APPLICABILITY

Section

- 454.10 General Information
- 454.20 Information; Special Instructions
- 454.30 Communications and Pleadings
- 454.40 Definitions
- 454.50 Rules of Construction
- 454.60 Regulatory Dockets
- 454.70 Appearances

SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

Section

- 454.110 Typographical Specifications
- 454.120 Copies
- 454.130 Time
- 454.140 Service

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

Section

- 454.200 General Requirements
- 454.210 Application for Rate Approval
- 454.220 Initial Application Review
- 454.230 Processing of Application
- 454.240 Withdrawal
- 454.250 Application for Rate Change
- 454.260 Appeal

SUBPART D: LEVEL OF RATES OR CHARGES

Section

- 454.300 General Requirements
- 454.310 Rates or Charges
- 454.320 Enforcement

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND
APPEALS

Section

- 454.400 Request for Hearing

- 454.410 Notice and Place of Hearings
- 454.420 Hearings
- 454.430 Presiding Officer's Decision
- 454.440 Appeal

SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section

- 454.500 Notice
- 454.510 Complaints
- 454.520 Reply
- 454.530 Request for Hearing
- 454.540 Hearing
- 454.550 Presiding Officer's Decision
- 454.560 Appeal

SUBPART G: MISCELLANEOUS PROVISIONS

Section

- 454.600 Discovery
- 454.610 Motions
- 454.620 Intervention

AUTHORITY: Implementing Section 13-106 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-106) [625 ILCS 5/13-106] and Section 49.22 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 49.22) [20 ILCS 2705/49.22] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16] and Section 1-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-65) [5 ILCS 100/1-65].

SOURCE: Adopted at 2 Ill. Reg. 26, p. 149, effective May 26, 1978; amended at 5 Ill. Reg. 12989, effective November 16, 1981; codified at 7 Ill. Reg. 2748; amended at 17 Ill. Reg. 19662, effective November 1, 1993.

SUBPART A: RULES OF GENERAL APPLICABILITY

Section 454.10 General Information

- a) Scope of Rules. These rules prescribe the requirements of the Illinois Department of Transportation governing the rates to be charged for safety tests of second division vehicles other than school buses and prescribes the practices and procedures which shall govern all hearings conducted by the Department relating to rates charged by Official Testing Stations.
- b) Applicability. These rules apply to every operator of an Official Testing Station conducting safety tests of second division vehicles other than school buses, even though safety tests of school buses are conducted.
- c) References. These rules shall be referred to as the "Rules on Rates".

Section 454.20 Information; Special Instructions

Information as to procedure under the rules in this Part and instructions supplementing this Part in special instances, will be furnished upon written application to the Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.30 Communications and Pleadings

- a) How addressed. All communication and pleadings should, unless otherwise specifically directed, be addressed and submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212. All communications should clearly designate the docket number, if any, and short title of any proceeding to and about which it is directed. The person communicating shall state his address, and the party he represents.
- b) Timely Filing Required. All documents required or permitted to be filed under these Rules must be received for filing at the offices of the Department's Division of Traffic Safety in Springfield, Illinois, within the time limits, if any, for such filing. The date of receipt at the Department and not the date of deposit in the mail is determinative, provided, however, that if such document is mailed by certified, registered, or express mail postmarked at least two days prior to the due date, it will be accepted as timely filed.
- c) Disposition of; When Defective. In any proceeding when upon inspection the Department is of the opinion that a document tendered for filing does not comply with these Rules or does not sufficiently set forth material required by any form of the Department, the Department may decline to accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.40 Definitions

As used in this Part:

"Commercial Vehicle Safety Section" means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation;

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized agents or officers (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-100) [625 ILCS 5/13-100];

"Director" means the Director of the Division of Traffic Safety of the Illinois Department of Transportation; "Division" means the Division of Traffic Safety of the Illinois Department of Transportation;

"Illinois Vehicle Code" means the provisions of Chapter 95 1/2 of the Illinois Revised Statutes [Chapter 625 of the Illinois Compiled Statutes];

"Official Testing Station" means all contiguous real and personal property which houses the testing lane(s) and all equipment and supplies relating to the vehicle safety test program;

"Person" means any person as defined in Section 1-159 of the Illinois Vehicle Code;

"Rate" or "Charge" means the monetary charge to any person offering a second division vehicle or vehicles other than a school bus for a safety test pursuant to Section 13-106 of the Illinois Vehicle Code;

"Safety test" means the test required by Section 13-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-101) [625 ILCS 5/13-101];

"Second Division Vehicle" means those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division registered as school buses (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-217) [625 ILCS 5/1-217];

"Secretary" means the Secretary of the Illinois Department of Transportation.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.50 Rules of Construction

- a) In these Rules unless the context requires otherwise:
 - 1) Words imparting the singular include the plural;
 - 2) Words imparting the plural include the singular;
 - 3) Words imparting the masculine gender include the feminine.
- b) In these Rules, the word:
 - 1) "Shall" is used in an imperative sense;
 - 2) "Must" is used in an imperative sense;
 - 3) "Should" is used in a recommendatory sense;
 - 4) "May" is used in a permissive sense to state authority or permission to do the act described and the words "no person may *** " or "a person may not *** " means that no person is required, authorized or permitted to do the act described; and

- 5) "Includes" is used as a word of inclusion not limitation.

Section 454.60 Regulatory Dockets

- a) Information and data relating to Department actions pursuant to this Part are maintained by the Bureau of Safety Programs, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.
- b) Any person may examine and copy any docketed material at the offices of the Division during regular business hours.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.70 Appearances

Any person either involved in or entitled to participate in proceedings may appear as follows:

- a) A natural person may appear in his own behalf or through counsel of his choice;
- b) A business, non-profit or governmental organization may appear by an officer, employee or representative, or may be represented by counsel of its choice;
- c) Any attorney appearing in a representative capacity shall file a written notice of appearance.

SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

Section 454.110 Typographical Specifications

Except as otherwise provided, all documents shall be typewritten or reproduced from typewritten copy on unglazed white paper measuring 8 1/2" x 11". Margins of at least one inch shall be allowed on the left and right margins. Reproduction of documents may be by any process provided the copies are clear and permanently legible. Typewritten documents must be double-spaced, except that long quotations shall be single-spaced and indented. Lengthy documents should be accompanied by an index. Failure to observe these specifications may result in rejection.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.120 Copies

Except as otherwise provided in these rules, an original copy of all documents, including complaints, motions, petitions and notices of appeal, shall be filed with the Director and shall bear the docket number and the title of the proceeding in connection with which they are filed.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.130 Time

- a) Computation. In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is Saturday, Sunday, or a legal holiday in the State of Illinois, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday. This rule shall apply to the measurement of time forward, as well as backward from a specified date.
- b) When the date designated for filing briefs or other documents is a Saturday, Sunday or a legal holiday in the State of Illinois, that date shall be extended to the next day which is neither a Saturday, Sunday, nor a legal holiday in the State of Illinois. A half holiday shall not be considered as a holiday.
- c) Modification. Any time period may, upon request and for good and sufficient cause, be modified by the Director in his discretion. Request for extensions of modifications of time must be served on all parties at the same time and by the same method of communication as service is made on the Department. Only the original of the request need be filed with the Department.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.140 Service

- a) Each order, notice, or other document required to be served under these Rules shall be served personally or by first class, registered or certified mail, except as otherwise provided.
- b) Service upon a person's duly authorized representative constitutes service upon that person.
- c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt for registered or certified mail constitutes prima facie evidence of service.
- d) One copy of each order, notice or other document must be served on each party. Service on any party shall be by the same means employed in serving all other parties.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

Section 454.200 General Requirements

- a) No operator of an Official Testing Station shall make, establish, implement, collect or otherwise enforce any rate or charge or schedule of rates or charges for performing a safety test for any second division vehicle other than a school bus unless that rate or charge or schedule of rates or charges has been made or established in accordance with the provisions of this Part.

- b) No operator of an Official Testing Station shall change any rate or charge or schedule of rates or charges unless that change has been made in accordance with the provisions of this Part.
- c) No applicant for an Official Testing Station permit shall be issued that permit unless the applicant, in accordance with the provisions of this Part, has filed with the department a proposed schedule of rates and charges and the Department has approved that schedule.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.210 Application for Rate Approval

- a) Each applicant for an Official Testing Station Permit shall file with the Department a proposed schedule of all rates and charges intended to be made by him for performing a safety test on vehicles other than school buses and for which he seeks the approval of the Department. Each application made under this subsection shall be filed by the applicant after he submits his application for a station permit pursuant to 92 Ill. Adm. Code 451, "Administrative Requirements for Official Testing Stations" but prior to the issuance of the station permit to him by the Department. The applicant shall submit his proposed schedule on the form provided by the Department by mailing or delivering that form to: Bureau of Safety Programs, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.
- b) A schedule of rates and charges filed with the Department under subsection (a) shall include an amount to reimburse the operator of an Official Testing Station for the purchase from the Department of the Certificate of Safety required by Section 13-109 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-109) [625 ILCS 5/13-109] which amount shall not exceed the fee paid by the operator to the Department for the Certificate.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.220 Initial Application Review

In the case of an application for rate approval under Section 454.210, the Section reviews the application to determine whether it is complete and conforms to the requirements of this Part. This determination will be made within 15 days of the receipt of the application. If the application is not returned to the applicant by the end of that period, it will be processed as provided in Section 454.230. If an application is returned, the applicant will be informed in what respects the application is incomplete.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.230 Processing of Application

- a) Any and all rates and charges to be made by an operator of an Official Testing Station for performing a safety test on second division vehicles other than school buses shall be approved by the Department prior to the rates and charges becoming effective.

- b) After an application for rate approval is determined to be complete, the Section processes the application. No public hearing, argument, or other formal proceeding is held directly on an application filed under Section 454.210.
- c) If the Section determines that the rates and charges proposed are not just and reasonable, it denies the application and notifies the applicant in writing, together with the reasons therefor.
- d) If the Section determines that the rates and charges proposed are just and reasonable, it grants the application and notifies the applicant in writing.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.240 Withdrawal

- a) An applicant may withdraw an application for rate approval at any time prior to it being finally determined.
- b) Withdrawal of an application does not authorize the removal of any related records from the docket or files of the Division.

Section 454.250 Application for Rate Change

- a) Any operator of an Official Testing Station who desires to change his schedule of rates and charges filed with and approved by the Department shall file with the Department the new schedule of rates and charges proposed to be made by him for performing a safety inspection on vehicles other than school buses.
- b) Applications under subsection (a) shall be submitted on the form provided by the Department by mailing or delivering that form to: Bureau of Safety Programs, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.
- c) Applications under this Section shall initially be reviewed as provided in Section 454.220 and processed as provided in Section 454.230.
- d) Withdrawals of applications under this Section shall be governed by Section 454.240.
- e) If a proposed change in an applicant's rate or charge is disallowed or denied by the Commercial Vehicle Safety Section, an applicant may file a written petition under Section 454.260. All hearings scheduled under this subsection shall be conducted in accordance with the provisions of Sections 454.400 through 454.440.

(Source: Amended 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.260 Appeal

- a) If a proposed rate or charge or proposed change in rates or charges is disallowed or disapproved by the Section, an applicant may file, within 15 days

after the applicant is notified of the disallowance or disapproval, a written petition with the Director for a hearing seeking approval of its proposed rates or charges or proposed change in rates or charges.

- b) The petition for approval of disallowed rates must:
 - 1) State the name and address of the person making the request and of the Official Testing Station involved;
 - 2) Include a statement of ownership of the Official Testing Station, together with the date said ownership commenced;
 - 3) Include a statement setting forth the current rates charged by the lane operator;
 - 4) Include a statement setting forth with particularity the reasons why the lane operator seeks to amend the rates currently being charged;
 - 5) Include a statement of the new rates for which the petitioner seeks approval;
 - 6) Include, if applicable, a statement relating to the necessity of obtaining a change in the rates being charged; and
 - 7) State or include any other matters upon which the petitioner bases his request for a hearing.
- c) All hearings scheduled under this Section shall be conducted in accordance with the provisions of Sections 454.400-454.440.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

SUBPART D: LEVEL OF RATES OR CHARGES

Section 454.300 General Requirements

- a) Any and all rates or charges made by an operator of an Official Testing Station for performing a safety test for a second division vehicle other than a school bus shall be just and reasonable.
- b) A rate or charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate or charge for the same or similar test made in the community where the Official Testing Station is located.

Section 454.310 Rates or Charges

The following rates or charges for safety inspections of vehicles other than school buses have been determined by the Department to be prima facie just and reasonable rates or charges for the counties indicated. Any existing charge or rate which has previously been approved by the Department is acceptable. An application for a future charge or rate in excess of the specified charge or rate will be disapproved. If a proposed rate or charge is disapproved by the Commercial Vehicle Safety Section, an applicant may appeal the disapproval to the Director

under Section 454.260. The following rates or charges do not include the Certificate of Safety fee.

Region	Counties	SWA*	DWA**
1	Cook, DuPage, Grundy, Kankakee, Kendall, Lake, Will	\$6.20	\$7.00
2	Boone, DeKalb, JoDaviess, Kane, McHenry, Stephenson, Winnebago	\$5.15	\$5.80
3	Bureau, Carroll, Fulton, Henderson, Henry, Knox, LaSalle, Lee, Livingston, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Warren, Whiteside	\$4.45	\$5.00
4	Mason, Menard, Morgan, Peoria, Sangamon, Tazewell, Woodford	\$5.25	\$5.90
5	DeWitt, Logan, Macon, McLean	\$3.95	\$4.45
6	Adams, Brown, Calhoun, Cass, Greene, Hancock, Jersey, Macoupin, McDonough, Pike, Schuyler, Scott	\$3.50	\$3.95
7	Coles, Champaign, Douglas, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, Vermillion	\$4.25	\$4.75
8	Bond, Christian, Clay, Clinton, Effingham, Fayette, Jasper, Marion, Montgomery	\$4.35	\$4.95
9	Madison, St. Clair	\$5.45	\$6.10
10	Jackson, Monroe, Perry, Randolph, Union, Washington	\$4.10	\$4.60
11	Alexander, Clark, Crawford, Cumberland, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, Williamson	\$3.50	\$3.95

*SWA-Single wheel axle

**DWA-Double wheel axle

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.320 Enforcement

- a) The Department upon its own initiative or upon verified complaint of any person may require the operator of an Official Testing Station to appear at a hearing and prove that the rates or charges so filed with the Department are just and reasonable.
- b) The procedure in Sections 454.500-454.560 shall govern the proceedings under paragraph (a) of this Section.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND APPEALS

Section 454.400 Request for Hearing

- a) If the Department disallows any or all rates or charges set forth in a schedule which an operator has filed with the Department pursuant to Section 13-106 of the Illinois Vehicle Code and these Rules or any application of an operator to change any or all of those rates or charges, the operator may request a hearing upon notification of that disallowance, as provided in Section 454.260.
- b) After a petition for hearing, which complies with the requirements of Section 454.260 is received, the Director schedules a hearing for the earliest practicable date.
- c) The Director may grant extensions of the time of the commencement of the hearing for good cause shown.

Section 454.410 Notice and Place of Hearings

- a) Hearing on petitions filed by operators of Official Testing Stations in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago Counties shall be held at the offices of the Department at 201 West Center Court, Schaumburg, Illinois. Hearings for operators in Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for operators of any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois
- b) The Department shall, as soon as possible, give notice of the hearing to the person requesting the hearing and to the Department's Office of Chief Counsel. In the case of a petition for approval of rate change, the Department shall also cause to be published a Notice of the Petition for Rate Change in a newspaper of general circulation in the community in which the petitioner's Official Testing Station is located, setting forth the time and place of the hearing.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.420 Hearings

- a) When a hearing is requested and scheduled under 92 Ill. Adm. Code 454.400, a presiding officer designated by the Secretary convenes and presides over the hearing. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

- b) The presiding officer may:
 - 1) Administer oaths and affirmation;
 - 2) Adopt procedures for the submission of evidence in written form;
 - 3) Rule on offers of proof and receive relevant evidence;
 - 4) Examine witnesses at the hearing;
 - 5) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;
 - 6) Hold conferences for settlement, simplification of the issues, or any other proper purpose; and
 - 7) Take any other action authorized by or consistent with the provisions of this Part and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.
- c) The petitioner has the burden of proving the facts alleged in Petition for Approval of Disallowed Rate, or Petition for Approval of rate change, including proof that the disallowed rate(s) is just and reasonable.
- d) The petitioner may offer such relevant information and testimony may be necessary to fully inform the presiding officer as to the matter concerned, and conduct such cross-examination as may be required for a full disclosure of the facts.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.430 Presiding Officer's Decision

After consideration of the evidence of record, the presiding officer may dismiss the petition in whole or in part, and enter an order to that effect. If he does not dismiss it in whole, he will issue and serve on the parties an order approving the rate(s) or change in rate(s) determined by the presiding officer to be just and reasonable. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law and discretion.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.440 Appeal

A petitioner aggrieved by a presiding officer's decision and order issued under Section 454.430 may file an appeal with the Secretary. The appeal must be filed within ten days of service of the presiding officer's order. A decision by the Secretary is administratively final.

Section 454.500 Notice

- a) Whenever the Department upon its own initiative, or upon verified complaint of any person intends to convene a hearing for the purpose of requiring the operator of an Official Testing Station to prove that the rates filed by that operator are just and reasonable, the Department begins the proceeding by serving a Notice on the operator.
- b) The Notice required by paragraph (a) of this Section shall include:
 - 1) A statement of the provision(s) of the law and regulations which the operator is believed to be violating;
 - 2) A statement of the factual allegation(s) upon which the Department relies in its belief that the rates and charges filed by this operator are unjust or unreasonable;
 - 3) A statement of the remedial action being sought by the Department;
 - 4) A statement of the operator's right to present written or oral explanations, information or any materials in answer to the allegation;
 - 5) A statement of the operator's right to request a hearing and the procedures for requesting a hearing.
- c) The Department may amend a notice issued under this Section at any time before entering of a final order. If an amendment includes any new material allegation of fact, the operator shall be given an opportunity to respond.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.510 Complaints

- a) Whenever any person intends to complain to the Department about the justness or reasonableness of any rate or charge filed by any operator with the Department, that person shall make the complaint in writing and mail or submit it to: Bureau of Safety Programs, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212.
- b) Each Complaint shall include:
 - 1) the name, address and telephone number of the person making the complaint;
 - 2) a statement whether the complainant owns or operates an Official Testing Station, and if applicable, the name, business address and telephone number of that Official Testing Station;
 - 3) the name and if known the business address, of the operator against whom the person complains;
 - 4) A description or statement of the rate(s) about which the person complains;

- 5) a statement setting forth in detail the specific facts and reasons why the person believes the rate(s) about which that person complains is unjust or unreasonable; and
- 6) any information, document or other matters upon which the person relies.
- c) The facts asserted in any complaint must be sworn to by persons having knowledge thereof. Except under unusual circumstances, such persons should be those who will be available to appear as witnesses at a hearing convened by the Department to substantiate the facts asserted should a hearing become necessary.
- d) An original copy of the Complaint shall be filed with the Department. The original must show the signature, capacity and impression seal, if any, of the person administering the oath, and the date thereof.

(Source: Amended at 17 Ill. Reg. 19662, effective November 1, 1993)

Section 454.520 Reply

- a) Within 20 days of the service of a notice issued under Section 454.500, the operator may:
 - 1) File with the Department a sworn statement by which the operator consents to withdraw the contested rate(s) filed by him and states that the operator will not charge any such rate(s) for the matters covered by that rate(s) until the operator files and has approved by the Department a new rate(s), and thereby close the case; or
 - 2) Request a hearing as provided in Section 454.530.
- b) The Director may extend the 20-day period for good cause shown.
- c) Failure of the operator to reply by taking one of the two actions described in paragraph (a) of this Section within the period provided constitutes a waiver of his right to appear and contest the allegations and authorizes the Director, without further notice to the operator to find the facts to be as alleged in the notice and order the rate(s) in question to be voided.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.530 Request for Hearing

- a) If an operator elects to request a hearing, he shall submit a written request to the Director. The request must:
 - 1) State the name and address of the operator and of the person signing the request if different from the operator;
 - 2) State with respect to each allegation whether it is admitted or denied; and

- 3) State with particularity the issues to be raised by the operator at the hearing.
- b) After a request for hearing which complies with the requirements of paragraph (a) of this Section, the Director schedules a hearing for the earliest date.
- c) The Director may grant extension of the time of the commencement of the hearing for good cause shown.

Section 454.540 Hearing

Hearings schedules under Section 454.530 shall be governed by the provisions of Section 454.420.

Section 454.550 Presiding Officer's Decision

After consideration of the evidence of record, the presiding officer may dismiss the notice in whole or in part and enter an order to that effect. If he does not dismiss it in whole, he will issue and serve on the parties an order declaring the rate(s) to be either unjust or unreasonable or both and further declaring the rate(s) to be void. The order will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law and discretion.

Section 454.560 Appeal

Any party aggrieved by a presiding officer's decision and order issued under Section 454.550 may file an appeal with the Secretary. The appeal must be filed within ten days of service of the presiding officer's order. The filing of an appeal stays the effectiveness of the order. A decision by the Secretary is administratively final.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

SUBPART G: MISCELLANEOUS PROVISIONS

Section 454.600 Discovery

Parties participating in hearings conducted under these Rules may obtain discovery pursuant to this Rule regarding any matter not privileged, which is relevant to the subject matter involved in the pending proceeding or appears reasonably calculated to lead to the discovery of admissible evidence; provided that discovery may be had only when the presiding officer, upon his own motion or upon a petition filed by a party, and upon good cause shown, shall have entered an order approving such use. Such petitions must be filed in sufficient time to allow for the filing of replies and for consideration by the presiding officer without requiring the postponement of any established date for hearing.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.610 Motions

- a) Any party to a proceeding may make an application to the presiding officer for an order in the form of a motion.

- b) Motions shall be in writing, shall state with particularity the grounds therefor and shall set forth the relief or order sought. The rules applicable to document specifications shall apply to all motions.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

Section 454.620 Intervention

- a) Any person may intervene by petition in a proceeding involving a petition for approval of a rate change or in a proceeding involving a complaint of unreasonable or unjust rates.
- b) A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.
- c) A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after, except for good cause shown.
- d) When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Department. When a petition for leave to intervene is not tendered at the hearing, the original copy of the petition shall be submitted to the Department together with a certificate that service in accordance with Section 454.110 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within ten days after service.
- e) Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding.

(Source: Amended at 5 Ill. Reg. 12989, effective November 16, 1981)

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 460
DIESEL EMISSION INSPECTION PROGRAM

SUBPART A: GENERAL

Section	
460.100	Purpose
460.110	Definitions
460.120	Applicability
460.130	Address for Correspondence
460.140	Incorporation by Reference and Cutpoint Standards

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION
INSPECTIONS

Section	
460.200	Official Testing Station Requirements
460.210	Private Diesel Official Testing Stations
460.220	Responsibilities of Official Testing Station Owner (Public and Private)
460.230	Responsibilities of Certified Diesel Emission Tester
460.240	Supervision of Official Testing Station and Enforcement of Department Policies
460.250	Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

SUBPART C: PROCEDURES FOR PERFORMING THE
SNAP-ACCELERATION INSPECTION

Section	
460.300	Vehicle Preparation
460.310	Equipment Set-Up
460.320	Snap-Acceleration Inspection Procedures
460.330	Reporting of Inspection Results

SUBPART D: LEVEL OF RATES AND CHARGES

Section	
460.400	Rates and Charges
460.410	Rate Change Procedure

SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND
ENFORCEMENT

Section	
460.500	Diesel Emission Inspection 30-Day Warning Notice
460.510	Diesel Emission Inspection Out-of-Service Order
460.520	Diesel Emission Inspection Enforcement

SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section	
460.600	Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection
460.605	Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle
460.610	Grievance Procedures
460.620	Replacement of Diesel Emission Inspection Compliance Card

AUTHORITY: Implementing and authorized by Sections 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1 and 13-114]. (See P.A. 91-254 and P.A. 91-865, effective July 1, 2000.)

SOURCE: Emergency rules adopted at 24 Ill. Reg. 9970, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 18412, effective December 1, 2000.

SUBPART A: GENERAL

Section 460.100 Purpose

This Part establishes the requirements and procedures to be followed by an owner/operator of a diesel-powered vehicle registered within an affected area in the State of Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law (the Law) [625 ILCS 5/13-109.1]. Additionally, inspection, compliance and enforcement procedures are covered by this Part and establish the Diesel Emission Inspection Program.

Section 460.110 Definitions

As used in this Part:

“Affected Areas” means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County. [625 ILCS 5/13-100.1]

“Applicant” means any individual Owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

“Authorized Diesel Emission Inspection Equipment” means those testing and measuring devices approved and required by the Department’s Commercial Vehicle Safety Section for applicable Official Testing Stations’ diesel emission inspection procedures.

“Authorized Representative of the Department” means vehicle compliance inspectors and administrative personnel employed by the Illinois Department of Transportation.

“Certified Diesel Emission Tester (CDET)” means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency by operating and calibrating the authorized diesel emission inspection equipment and who has been issued a certificate by the Department.

“Certified Safety Tester (CST)” means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency in the operation of authorized safety test equipment and who has been issued a certificate by the Department.

“Code” means the Illinois Vehicle Code [625 ILCS 5].

“Commercial Vehicle Safety Section (CVSS)” means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

“Cutpoint Standards” means criteria established in the United States Environmental Protection Agency document “Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure.” (See Section 460.140 for cutpoint standards.)

“Department” means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. [625 ILCS 5/13-100]

“Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection” means a certificate issued in accordance with Section 460.600 of this Part to the owner/operator of a vehicle that has failed a diesel emission inspection and reinspection but who has complied with all applicable waiver requirements in accordance with Section 460.600.

“Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle” means a certificate issued in accordance with Section 460.605 of this Part to the owner/operator of a vehicle whose motor was manufactured ungoverned but who has complied with all applicable waiver requirements in accordance with Section 460.605.

“Diesel Emission Inspection Compliance Card” means the document presented to the vehicle owner/operator if his/her vehicle passes a diesel emission inspection. The card is validated by the presence of the Validation Certificate that is attached to the card in the form of an adhesive sticker and is required to be present in the cab of the vehicle.

“Diesel Emission Inspection 30-Day Warning Notice” means the document presented to the vehicle owner/operator if the vehicle fails the diesel emission inspection. The vehicle’s owner/operator is required to return to the Station within 30 days for a reinspection.

“Diesel Emission Inspection Equipment” means the equipment required to be used by the Certified Diesel Emission Tester to inspect a diesel-powered vehicle and to submit the results of the inspection to the Department. The equipment includes, but is not limited to, the Department-approved smoke opacimeter, a workstation (i.e., laptop computer), and printer tape.

“Diesel Emission Inspection Official Testing Stations” means those Stations located within the affected areas and required to participate in the Diesel Emission Inspection Program.

“Diesel Emission Inspection Supplies (Supplies)” means all items issued to an Official Testing Station by the Commercial Vehicle Safety Section in order to conduct a diesel emission inspection. Items include, but are not limited to, Diesel Emission Inspection Compliance Cards, Diesel Emission Inspection 30-Day Warning Notices, and Validation Certificates. All supplies remain the property of the Commercial Vehicle Safety Section.

“Diesel-Powered Vehicle” or “Diesel Vehicle” means a motor vehicle registered for a gross weight of more than 16,000 pounds, powered by an internal combustion, compression ignition, diesel fueled engine.

“Diesel Smoke” means particles, including aerosols, suspended in the exhaust stream of a diesel engine that absorb, reflect, or refract light.

“Director” means the Director of the Division of Traffic Safety for the Illinois Department of Transportation.

“Division” means the Division of Traffic Safety for the Illinois Department of Transportation.

“Effective Optical Path Length (L)” means the length of the smoke-obscured optical path between the smoke opacimeter light source and detector.

“Emergency Vehicle” means vehicles of municipal departments or public service corporations that are designated or authorized as such by proper local authorities, including, but not limited to, police vehicles, vehicles of fire departments and ambulances.

“Emission Control Devices” means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For purposes of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

“Gross Weight” means the weight of a vehicle whether operated singly or in combination without load plus weight of the load thereon. [625 ILCS 5/1-125]

“Gross Vehicle Weight Rating (GVWR)” means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. [625 ILCS 5/1-124.5]

“Illinois Vehicle Inspection Law (the Law)” means 625 ILCS 5/Ch. 13.

“Intrastate Carrier of Passengers” means any person engaged in the transportation of passengers solely within Illinois.

“Intrastate Carrier of Property” means any person engaged in the transportation of property solely within Illinois.

“Interstate Carrier of Passengers” means any person engaged in the transportation of passengers between a place in a state and a place outside of such state or between two places in a state through another state or a place outside the United States.

“Manufacturer” (unless otherwise indicated at the point of use) means the person or organization whose name follows “MANUFACTURED BY” or “MFD BY” on the federal certification label.

“Model Year” means the year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then “model year” means the calendar year of manufacture. [625 ILCS 5/1-144.05]

“Non-exempt Vehicle” means any vehicle subject to diesel emission inspections as required by this Part.

“Official Testing Station(s) (the Station)” means all contiguous real and personal property that houses the equipment and supplies relating to the diesel emission inspection of vehicles. Official Testing Stations are privately-owned businesses that are regulated by the Department. Official Testing Stations are classified as either public or private. Public Stations are open to the public. Private Stations are established by companies for the purpose of inspecting vehicles owned or operated by the company. Private Stations are not open to the public.

“Official Testing Station Permit (Permit)” means evidence issued by the Commercial Vehicle Safety Section granting the Owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in Section 13-103 of the Law.

“Opacity (N)” means the percentage of light transmitted from a source that is prevented from reaching a light detector.

“Operated within the Affected Area” means any vehicle that is physically within the affected area at any time, whether stationary or in motion.

“Out-of-Service Order” means a temporary prohibition against driving a commercial motor vehicle. [625 ILCS 5/1-154.5]

“Owner” means any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing Station Permit has been issued.

Such person(s) is responsible for the lawful operation of the Station's diesel emission inspection program.

"Owner/Operator" means the person who presents the diesel-powered vehicle at the Station for inspection, commonly referred to as the vehicle's driver.

"Part" means the regulations contained in this document that are located at 92 Ill. Adm. Code 460.

"Person" means every natural person, firm, copartnership, association or corporation. [625 ILCS 5/1-159]

"Rate or Charge" means the monetary charge (i.e., \$30) authorized by 625 ILCS 5/13-106 to any person offering a vehicle for a diesel emission inspection pursuant to 625 ILCS 5/13-109.1.

"Recognized Repair Technician" means a person professionally engaged in vehicle repair, employed by a company in operation whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Smoke Density (K)" means a fundamental means of quantifying the ability of a smoke plume or smoke containing gas sample to obscure light.

"Smoke Opacimeter" means a type of smokemeter designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

"Smokemeter Measurement Zone" means the effective length between the smokemeter light source and the light detector through which exhaust gases pass and interact with the smokemeter light beam.

"Snap-Acceleration Inspection" means the method used to test a diesel-powered vehicle to determine the quality of diesel exhaust fumes being released into the atmosphere.

"Station" means the Official Testing Station.

"Transmittance (T)" means the fraction of light transmitted from a source that reaches a light detector.

"Validation Certificate" means the sticker attached by the CDET to the Diesel Emission Inspection Compliance Card after the vehicle passes a diesel emission inspection.

Section 460.120 Applicability

- a) Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers:

Effective July 1, 2000, each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area (as defined in Section 460.110) and that is a 2 year or older model year shall be inspected annually for compliance with this Part. [625 ILCS 5/13-109.1]

- b) *Diesel-powered vehicles being operated on plates issued pursuant to Section 3-815(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. [625 ILCS 5/13-109.3]*
- c) *Units of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspection provided for in this Part. [625 ILCS 5/13-117]*

Section 460.130 Address for Correspondence

All business and correspondence pertaining to the diesel emission inspection program shall be addressed to:

Illinois Department of Transportation
Division of Traffic Safety
Commercial Vehicle Safety Section
3215 Executive Park Drive
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 557-6081

Section 460.140 Incorporation by Reference and Cutpoint Standards

The following materials are incorporated by reference as of the edition date provided below. No later amendments to or editions of the following documents are incorporated. Copies of these materials are available for inspection at the Department's Commercial Vehicle Safety Section at the address provided in Section 460.130.

- a) Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," revised February 1996.

The opacity cutpoints recommended by this guidance that will be used as a standard for this program shall not exceed:

40% opacity for vehicles model year 1991 and newer;
55% opacity for vehicles model year 1974 to 1990;
Until December 31, 2002, 70% for vehicles model year 1973 and older; and
After January 1, 2003, 55% for vehicles model year 1973 and older.

- b) United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," issued April 1997.

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

Section 460.200 Official Testing Station Requirements

- a) Diesel emission inspections shall be conducted at Official Testing Stations permitted by the Illinois Department of Transportation (the Department). The annual diesel emission inspection may be conducted in conjunction with the annual or semi-annual safety inspections.
- b) This Part establishes the requirements and procedures to be followed by an Official Testing Station in order to implement Section 13-109.1 of the Law [625 ILCS 5/13-109.1].
- c) The Department has purchased enough diesel emission inspection equipment to supply all public Official Testing Stations in the affected areas existing upon the enactment of P.A. 91-254 and P.A. 91-865. That equipment will be furnished by the Department at no charge to any public Official Testing Station at the time it is permitted to perform emission inspections as long as the Department still has equipment available. Priority for furnishing equipment will be based upon the date a Station is permitted to perform diesel emission inspections. When the Department's supply of equipment runs out, any Owner of a public Official Testing Station who opens a Station will be required to purchase the equipment necessary for compliance with this Part.
- d) Any private Official Testing Station permitted under Section 13-103 of the Law to conduct vehicle safety inspections may conduct diesel emission inspections on its own vehicles in accordance with this Part. A new category of Official Testing Station is established for vehicle owners who want to conduct only diesel emission inspections on their own vehicles. The new category of Station will be referred to as a Private Diesel Official Testing Station (PDOTS). Both categories of private Official Testing Stations will be required to purchase their own diesel emission inspection equipment.
- e) The Official Testing Station (the Station) or the property the Station is located on must be of sufficient size to accommodate a vehicle as large as a tractor trailer combination unit.
- f) Diesel emission inspections may be performed outside the Station on the property where the Station is located.
- g) Those Stations performing diesel emission inspections inside the Station must provide sufficient ventilation to prevent persons from becoming overcome by exhaust fumes.
- h) A working telephone must be located in the Station to electronically transmit diesel emission inspection data to the Department via the Internet.

- i) Public Stations located within the affected areas and permitted to conduct diesel emission inspections must perform a diesel emission inspection for each vehicle presented for such an inspection.
- j) Each Station permitted to perform diesel emission inspections must have at least one Certified Diesel Emission Tester with a current and valid certificate.
- k) No diesel emission inspection shall be conducted unless the Station's permit is valid and designates that the Station provides diesel emission inspections.
- l) All diesel emission inspections shall be conducted on the property identified on the Official Testing Station permit.

Section 460.210 Private Diesel Official Testing Stations

- a) Private Diesel Official Testing Stations (PDOTS) may be established by persons or municipalities or other governmental entities that own or lease at least 25 diesel-powered vehicles subject to diesel emission inspections.
- b) PDOTS are not open to the public.
- c) PDOTS shall notify the Department by telephone at least one working day prior to performing five or more diesel emission inspections in one week. An authorized representative of the Department may be present at the time of inspection.
- d) PDOTS shall provide, at their own expense, diesel emission inspection equipment approved by the Department.
- e) The Department shall provide to PDOTS diesel emission inspection supplies necessary to conduct diesel emission inspections. PDOTS must purchase Validation Certificates from the Department for one dollar each.
- f) PDOTS shall electronically transmit diesel emission inspection data to the Department via the Internet.
- g) PDOTS shall conduct all diesel emission inspections on the property of the facility to which the Official Testing Station permit is issued.
- h) PDOTS shall conduct all diesel emission inspections in accordance with this Part.

Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

- a) The Owner shall require all Certified Diesel Emission Testers (CDET) to comply with this Part.
- b) The Owner of an Official Testing Station shall notify the CVSS in writing when he/she or his/her employees wish(es) to make application to become a CDET. The letter of request must include the Station's phone number and address as well as the applicant's:
 - 1) Full name;

- 2) Date of birth;
 - 3) Driver's license number; and
 - 4) Photo which measures at least two inches by two inches but no more than three inches by three inches.
- c) The Owner is responsible for the training of employees on the equipment and inspection procedures before the employee is tested by an authorized representative of the Department to become a CDET.
 - d) The Owner shall notify the CVSS as soon as he/she is aware that neither he/she nor any of his/her employees are eligible to conduct diesel emission inspections, e.g., when a CDET is no longer employed at the Station. Failure to have at least one employee who is certified to conduct diesel emission inspections automatically suspends the Official Testing Station's diesel emission inspection permit until such time as the Owner or an employee becomes certified to conduct diesel emission inspections.
 - e) The Owner shall notify the CVSS as soon as he/she is aware that his/her Official Testing Station is not eligible to conduct diesel emission inspections, e.g., the Station is closed for vacation. If the Official Testing Station is not eligible to conduct diesel emission inspections for more than 30 days, an authorized representative of the Department must approve resumption of the diesel emission inspection program.
 - f) The Owner is responsible for maintaining the equipment in proper calibration and for maintaining the Station in proper condition as required by 92 Ill. Adm. Code 451. After the diesel emission inspection equipment's manufacturer's warranty and maintenance program expires, the Owner is responsible for maintaining the diesel emission inspection equipment in proper working order.
 - g) It shall be the Owner's responsibility to cease conducting diesel emission inspections when any piece of that equipment malfunctions.
 - 1) Equipment malfunctions and subsequent closure shall be reported to the CVSS as soon as the Owner is aware of the malfunction.
 - 2) Diesel emission inspections shall not be resumed until repairs are completed and approval is secured from an authorized representative of the Department. An authorized representative of the Department will confirm that the diesel emission inspection equipment is working in accordance with the manufacturer's specifications.
 - h) It shall be the Owner's responsibility to maintain a quantity of diesel emission inspection supplies to accommodate vehicles presented for original inspection or returned for reinspection. If a Station does not have a quantity of diesel emission inspection supplies to issue to a vehicle returning for a reinspection, the inspection fee shall be refunded to the vehicle owner/operator.
 - i) The Owner shall be responsible for the proper security and handling of the diesel emission inspection supplies.

- j) It shall be the Owner's responsibility to immediately notify the CVSS of any change in diesel emission inspection equipment.
- k) It shall be the Owner's responsibility to provide funds to the Department to cover the cost of Validation Certificates to perform diesel emission inspections (i.e., one dollar per Certificate), either through transmittal of appropriate funds or through use of a previously established credit balance. These procedures are currently in operation according to 92 Ill. Adm. Code 451.140.
- l) Validation Certificate fees shall be paid to: TREASURER, STATE OF ILLINOIS, by the Station for each Certificate issued. The Station shall only charge the authorized fee when issuing a Certificate (i.e., one dollar). The authorized fee for the Validation Certificate is included in the rates or charges established in Section 460.400.
- m) If an Official Testing Station Permit is suspended or revoked pursuant to Section 460.240(p), performance of any and all diesel emission inspection activities shall be prohibited for the duration of the suspension or revocation. It shall be the Owner's responsibility to surrender the Station permit and diesel emission inspection equipment and supplies as requested by an authorized representative of the Department on the date the suspension begins. The Owner shall be responsible for making certain all employees honor the terms of the suspension or revocation.
- n) It shall be the Owner's responsibility to see that all diesel emission inspections are conducted in accordance with this Part.

Section 460.230 Responsibilities of Certified Diesel Emission Tester

- a) Persons interested in becoming a Certified Diesel Emission Tester (CDET) must meet the following requirements:
 - 1) Be at least eighteen years of age; and
 - 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CDET to conduct diesel emission inspections is awarded:
 - 1) Pass a written test based on this Part with a passing score of at least 70%.
 - 2) Demonstrate proficiency by properly operating and calibrating the diesel emission inspection equipment at the Station where employed.
- c) The Station Owner may request retesting of a CDET applicant who failed the initial examination.
 - 1) A person who failed any part of the initial examination shall wait a period of 15 days before reapplying.

- 2) A person who fails a second time shall wait a period of 30 days before reapplying.
 - 3) After three failures within one 12 month period, a person is not eligible to take the examination for a period of one year from the date of the last failure.
- d) A CDET shall conduct a minimum of ten percent of the Station's diesel emission inspections during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. (See subsection (b) of this Section for examination standards.)
 - e) If the Official Testing Station where a CDET is employed changes diesel emission inspection equipment, the CDET shall be required to demonstrate proficiency by operating and calibrating the new inspection equipment.
 - f) If a CDET leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing to the Department a transfer of the CDET's certification.
 - 1) The CVSS may require the CDET to pass the written and proficiency examinations before the certificate is transferred. (See subsection (b) of this Section for examination standards.)
 - 2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds 30 days.
 - g) The CDET's certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CDET ceases inspecting vehicles or ceases to be employed by the Official Testing Station; or if the certificate is suspended, canceled or revoked; or if the CDET fails to maintain his certification; or if the CDET's driver's license is expired, canceled, suspended or revoked.
 - h) The diesel emission inspection privileges granted by the CDET's certificate shall be subject to cancellation, suspension or revocation by the Department for any violation of this Part. (See 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450 regarding administrative hearings.)
 - i) If a CDET's certificate has been suspended for 90 days or more or canceled, the CVSS will require that the CDET pass the written and proficiency examinations prior to recertification.
 - j) If an Official Testing Station is inoperative for a period of six months or more, all CDET certificates shall be canceled. Any former CDET shall be required to be reexamined before a certificate is issued.
 - k) Failure of a CDET to pass either the proficiency or written portion of any retest shall automatically cancel his/her certification.

- l) Refusal of a CDET to submit to retesting shall automatically cancel his/her certification and his/her certificate shall be immediately surrendered to an authorized representative of the Department.
- m) No person shall perform a diesel emission inspection unless that person has been certified as a CDET by the CVSS and that person has been issued a valid certificate by the CVSS. The certificate shall be displayed at the Official Testing Station where the CDET is employed.
- n) The CDET shall perform the diesel emission inspection according to procedures established in this Part.
- o) The CDET shall have sole physical control of the vehicle being tested during the entire diesel emission inspection.
- p) The CDET shall be responsible for documenting all diesel emission inspection results in the manner prescribed in Section 460.330.
- q) The CDET who performed the original diesel emission inspection or reinspection shall affix the Validation Certificate to the Diesel Emission Inspection Compliance Card as prescribed in Section 460.330. The Validation Certificate shall be affixed only if the vehicle inspected equals or exceeds all of the requirements of this Part.
- r) The CDET shall not accept any gratuity from any person for or in connection with an official diesel emission inspection or for the issuance or giving of proof of a diesel emission inspection.

Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

During both announced and unannounced visits, authorized representatives of the Department (as defined in Section 460.110) have the responsibility:

- a) To monitor Official Testing Stations and to enforce this Part.
- b) To review and approve applications for Official Testing Station permits and Certified Diesel Emission Tester (CDET) certificates.
- c) To conduct written and proficiency tests for persons applying to become a CDET. (See Section 460.230 for testing standards and procedures.) To conduct tests for persons who have been requested by the Department to be retested, e.g., not performing a minimum of 10% of diesel emission inspections annually.
- d) To inspect building, equipment and adjacent roadway or alleys for compliance with Official Testing Station requirements or any conditions that affect the entrance and exit of vehicles. (See 92 Ill. Adm. Code 451.110(b) for Official Testing Station classification requirements.)
- e) To inspect diesel emission inspection equipment for cleanliness, operability and accuracy.

- f) To require the Owner to cease performing diesel emission inspections when diesel emission inspection equipment is totally or partially inoperative or inaccurate.
 - 1) All diesel emission inspection supplies at the Official Testing Station will be removed and held by an authorized representative of the Department or the Commercial Vehicle Safety Section until the diesel emission inspection equipment has been cleaned, adjusted or repaired so as to render accurate results.
 - 2) An authorized representative of the Department will approve the condition of the equipment (i.e., operating efficiently and effectively) before the Station may reopen for diesel emission inspections.
- g) To instruct Official Testing Station Owners and CDET in the proper method of completing forms and reports used in diesel emission inspection procedures.
- h) To inspect forms required to be posted, completed and filed for cleanliness, legibility, and accuracy.
- i) To determine whether diesel emission inspections are performed in accordance with this Part.
- j) To have access to all records and supplies that are the property of and furnished by the Department.
- k) To inspect the Station's copy of this Part for completeness and availability.
- l) To inspect printer tapes generated during diesel emission inspections for accuracy, completeness, legibility and proper filing order.
- m) To inspect Validation Certificates at the Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all diesel emission inspection supplies issued to the Station.
- n) *To investigate all complaints lodged against an Official Testing Station or a CDET. [625 ILCS 5/13-107]*
- o) To monitor Official Testing Station procedures used in conducting diesel emission inspections through the use of both official marked and unmarked vehicles. Monitoring conducted in marked State vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion and diesel emission inspection equipment for proper calibration and operation, and to administer tests to prospective CDETs or those CDETs required to be retested as authorized by Section 13-105 of the Law [625 ILCS 5/13-105]. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if Official Testing Stations are performing diesel emission inspections in accordance with this Part as authorized by Section 13-107 of the Law [625 ILCS 5/13-107].
- p) To ensure compliance with goals for this program by issuing warning tickets or citations/complaints to Official Testing Station permit holders and their employees

for alleged infractions of 625 ILCS 5/Ch. 13 and this Part. The charges as outlined in the citation(s) will be adjudicated at an administrative hearing (see 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450). The Secretary will determine whether the Station has committed a violation after careful evaluation of the evidence presented at such hearing. If a determination of a violation is made, the Secretary will assess penalties for violations alleged on the citation/complaints. (See 92 Ill. Adm. Code 451.70(j) for penalty guidelines.)

- q) To require that the Owner cease diesel emission inspections and reinspections upon suspension or revocation of diesel emission inspection testing privileges, as outlined in subsection (p) of this Section. Permit(s) and diesel emission inspection supplies will be removed from the facility for the period of suspension or permanently upon revocation.

Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

- a) All required diesel emission inspection equipment furnished to public Official Testing Stations by the Department will remain the property of the Department.
- b) The Owner of a public Official Testing Station furnished with diesel emission inspection equipment by the Department shall sign a "Diesel Emission Inspection Equipment Bailment Agreement" that includes, but is not limited to, a statement that the Station is responsible for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment or failure to perform routine maintenance on the equipment. The Station will also pay for insurance, if any, for the equipment. The Bailment Agreement will also serve as a receipt for the equipment when it is delivered to the Station by an authorized representative of the Department.
- c) All required forms and supplies will remain the property of the Department.
- d) All forms, supplies and completed printer tapes (see Section 460.330(e)) shall be kept in a secure place within the Official Testing Station.
- e) Diesel emission inspection supplies, as defined in Section 460.110, shall be available for inspection by an authorized representative of the Department any time during the hours listed in 92 Ill. Adm. Code 451.70 (l)(1)(B).
- f) Validation Certificates, as defined in Section 460.110, shall be stored in a locked safe or other locked place within the Station.
- g) Upon request by the Department, all diesel emission inspection equipment and supplies, as defined in Section 460.110, furnished by the Department, will be surrendered immediately to an authorized representative of the Department when the Station is either temporarily or permanently closed.
- h) It shall be the Owner's responsibility to maintain a sufficient amount of supplies, as defined in Section 460.110, needed in the operation of the diesel emission inspection program. These supplies may be obtained from the CVSS by

submitting the diesel emission inspection requisition form. It shall be the Owner's responsibility to make sure his/her employees utilize the proper supplies.

SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

Section 460.300 Vehicle Preparation

AGENCY NOTE: The procedure for a snap-acceleration inspection is established in accordance with SAE J1667 and consists of Sections 460.300 through 460.330. Prior to conducting the snap-acceleration test, the following procedures must be completed by the Certified Diesel Emission Tester (CDET):

- a) Set parking brake.
- b) Chock the wheels.
- c) Manual transmissions shall be placed in neutral. Automatic transmissions shall be placed in park, if available, or neutral if park is not available.
- d) Deactivate any device that may alter normal acceleration, i.e. air-conditioning or engine brake.
- e) Slowly accelerate the vehicle toward its maximum governed speed. Note any audible or visual indications that the engine is not mechanically sound. If there are no indications of problems, allow the engine to accelerate to a point where it becomes apparent that the governor is functioning properly. If it becomes apparent that the governor is not functioning properly, release the accelerator and stop the inspection. If the vehicle's engine is governed and not functioning properly, the governor must be adjusted or repaired in accordance with the vehicle's manufacturer specifications before the snap-acceleration inspection is performed. If the vehicle was manufactured without a governor, the procedure to obtain a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle must be initiated (see Section 460.605).
- f) Inspect the vehicle's exhaust system for leaks. If exhaust leaks are found, stop the inspection until all exhaust leaks have been repaired.

Section 460.310 Equipment Set-Up

- a) Diesel emission inspection Official Testing Stations must be equipped with diesel emission inspection equipment approved by the Department. After taking open competitive bids, the Department has approved the Smoke Check 1667 manufactured by Red Mountain Engineering. The Department will only approve other equipment that is capable of performing the snap-acceleration inspection as described in Section 460.320, of reporting the inspection results as described in Section 460.330, and of interfacing with the Department's electronic information processing system.
- b) The following procedures coincide with prompts that are displayed on the Smoke Check 1667, manufactured by Red Mountain Engineering, Inc:

- 1) The user of the Smoke Check 1667 shall enter data as prompted.
- 2) The following is a summary of those prompts:
 - A) Enter 1 for Test Menu.
 - B) Enter 1 for Enter User Data.
 - C) Enter the Vehicle Identification Number (VIN) of the vehicle being tested.
 - D) Enter year and make of vehicle.
 - E) Enter year of engine.
 - i) Must be 4 digits.
 - ii) Engine year will normally be found on a tag or label located on the engine.
 - iii) If engine year is unknown, enter year of vehicle.
 - F) Enter vehicle mileage as shown on the odometer.
 - G) Enter engine manufacturer.
 - i) Examples include: International, Caterpillar, Cummins, Ford, G.M.C., Deere, etc.
 - ii) If engine manufacturer is unknown, enter make of vehicle.
 - H) Enter engine horsepower or stack size.
 - i) Should be located on a tag or label on the engine.
 - ii) If engine horsepower is unknown, press "ENTER" and proceed to next step.
 - I) Enter the diameter of the stack or tailpipe discharge end in inches. (If horsepower is entered, this prompt will not appear.)
 - J) Enter diesel emission inspector's name.
 - i) Enter last name only.
 - ii) When two or more CDETs are employed who have the same last name, enter both the first and last name.
 - K) Enter "2" to Begin Testing.

- L) Enter "1" for OK. (If visual inspection reveals a problem as stated in Section 460.300, DO NOT PROCEED WITH THE INSPECTION. The vehicle is rejected.)
- M) Enter "Y" to "Perform Cleanout Snaps."
- N) Enter "Y" to "Is the Sensor Out Of The Stack?" (Sensor should not yet be in the stack or tailpipe.)
- O) Smokemeter will now self zero.
- P) Place sensor in the stack or tailpipe.
- Q) Press any key.
- R) Perform the three cleanout snaps as prompted by the smokemeter.
 - i) Press F4 to complete each of the three cleanout snaps.
 - ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
- S) Perform the three official opacity tests as prompted.
 - i) Push F4 to complete each of the three official snaps.
 - ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
- T) Remove the sensor from the stack or tailpipe. Press any key to continue.
- U) Smokemeter will self zero.
- V) Smokemeter will indicate that the post-test zero check passed. If "Test is Valid" is displayed, press any key to continue.
- W) When "Test is Valid" is displayed, press F5 to print results.
 - i) Tests will register valid when minimum cutpoint standards are met.
 - ii) Test results must be within 5% to be valid.
- X) Enter "Y" to save data.
 - i) Smokemeter will store up to 100 tests.
 - ii) Tests will periodically be downloaded into a work station.

- Y) Enter "Y" to Print Test.
- Z) Enter "N" to Print Test Again, unless a second copy of the printed test results is desired.
- AA) If test was valid, enter "N" to re-test same vehicle.
 - i) If test was invalid, press "Y" and start over at subsection (b)(2)(M) above.
 - ii) All information previously entered will be retained except engine year and horsepower or stack. These must be reentered.

AGENCY NOTE: When the Department approves other diesel emission inspection equipment, this Part will be amended to include procedures that will coincide with prompts for that equipment.

Section 460.320 Snap-Acceleration Inspection Procedures

With the vehicle prepared as described in Section 460.300 and the equipment setup as described in Section 460.310, the snap-acceleration inspection shall be executed as follows:

- a) With the engine at normal operating temperature and at low idle speed, the CDET shall move the accelerator to the fully opened position as quickly as possible.
- b) The CDET shall hold the accelerator in the fully opened position until the engine reaches its maximum governed speed, plus an additional 1 to 4 seconds, or as prompted by the display on the smoke opacimeter.
- c) After completing the snap-acceleration of the engine operating at maximum governed speed for 1 to 4 seconds, the CDET shall release the accelerator and allow the engine to return to low idle speed.
- d) Allow the engine to remain at low idle speed for 5 to 45 seconds or as prompted by the display on the smoke opacimeter.
- e) Repeat steps (a) through (d) two additional times, for a total of three snap-acceleration cycles.
- f) These three snap-accelerations are preliminary cycles that allow CDETs to become familiar with the engine's acceleration and also remove loose soot from the vehicle exhaust system. The three preliminary cycles can also be used to check for proper operation of the smoke opacimeter.
- g) Within 2 minutes after the preliminary snap-acceleration cycles or as prompted by the smoke opacimeter, the CDET shall execute three snap-accelerations in the same manner as described in subsections (a) through (d) of this Section for the preliminary acceleration cycles.

- h) The percentage of opacity for the three snap-accelerations must be within 5% of each other for the inspection to be valid.
- i) If the smoke opacimeter display announces a valid inspection, document the inspection results as instructed in Section 460.330, Reporting of Inspection Results.
- j) If the test was invalid due to readings that varied by more than 5% or any other condition that would render the inspection invalid, repeat the entire inspection as outlined in Subpart C of this Part.

Section 460.330 Reporting of Inspection Results

- a) The owner/operator of each vehicle presented for a diesel emission inspection shall provide a registration card, title or bill of sale that displays the vehicle identification number (VIN) and the owner/operator's name and address.
- b) The CDET shall compare the VIN displayed on the registration card, title or bill of sale to the actual VIN on the vehicle being presented for a diesel emission inspection to determine that the document provided accurately identifies the vehicle presented.
- c) The following procedures apply only to vehicles that pass the diesel emission inspection by meeting minimum cutpoint standards:
 - 1) The following information shall be written on the back of the Diesel Emission Inspection Compliance Card (DEICC) in the space provided:
 - A) Date of inspection
 - B) Official Testing Station number
 - C) Vehicle Identification Number (VIN)
 - D) License plate number
 - i) If license plate is applied for, write: "applied for."
 - ii) If no license plate or registration has been applied for, write: "none."
 - E) Write the average opacity reading indicated on the printer tape generated during the inspection.
 - F) The CDET who performs the diesel emission inspection shall sign the DEICC.
 - G) A Validation Certificate shall be attached in the space provided. The DEICC is not valid as proof of compliance unless the Validation Certificate is attached.

- 2) The DEICC shall be presented to the vehicle owner/operator with the explanation that the DEICC must be kept in the vehicle as proof of diesel emission inspection compliance.
- d) The following procedures apply only to vehicles that fail to meet minimum cutpoint standards.
- 1) The following information shall be written on the back of the 30-Day Warning Notice Card in the space provided:
 - A) Date of inspection
 - B) Official Testing Station number
 - C) Vehicle Identification Number (VIN)
 - D) License plate number
 - i) If license plate is applied for, write: "applied for."
 - ii) If no license plate or registration has been applied for, write: "none."
 - E) Write the average opacity reading indicated on the printer tape generated during the inspection.
 - F) The CDET that performs the diesel emission inspection shall sign the 30-Day Warning Notice Card.
 - 2) The 30-Day Warning Notice Card shall be presented to the vehicle owner/operator with the explanation that the vehicle has failed to meet minimum opacity standards. The vehicle must be repaired and pass a diesel emission reinspection at the same Official Testing Station within 30 days after receipt of the 30-Day Warning Notice Card or the Department will render the vehicle out-of-service.
- e) The following procedures are the responsibility of the Owner and apply to all vehicles for which a diesel emission inspection was completed.
- 1) The printer tapes generated during the diesel emission inspection shall be bundled together at the end of each day.
 - 2) The top printer tape in each bundle shall be clearly marked in ink with the appropriate date.
 - 3) Each daily printer tape bundle shall be placed in a file marked with each appropriate month.
 - 4) Diesel emission inspection printer tapes shall be retained at the Official Testing Station in monthly files for a period of two years, after which they may be destroyed.

- 5) Diesel emission inspection printer tapes remain the property of the Department and must be accessible upon demand.
- 6) Diesel emission inspection results will be transmitted to the Department via the Internet.

SUBPART D: LEVEL OF RATES AND CHARGES

Section 460.400 Rates and Charges

- a) Any and all rates or charges made by the Owner of an Official Testing Station for performing a diesel emission inspection shall be approved by the Department and shall be just and reasonable.
- b) *A rate or charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate or charge for the same or similar test made in the community where the Official Testing Station is located. [625 ILCS 5/13-106]*
- c) The following rates or charges for an annual diesel emission inspection or reinspection have been determined by the Department to be prima facie just and reasonable rates or charges. These rates were established by the Department based on the shop rate, journeyman mechanic's hourly wage and the CDET hourly wage at Official Testing Stations in the affected areas.
 - 1) Annual Diesel Emission Inspection - Initial Inspection: \$30
 - 2) Annual Diesel Emission Inspection - Reinspection(s): \$25
- d) No Owner of a Station shall charge any rate or charge or schedule of rates or charges unless that charge has been made in accordance with this Part.

Section 460.410 Rate Change Procedure

- a) The rates established by the Department in Section 460.400 are deemed to be filed by the Station with the Department, and may be changed upon application of the Owner of a Station or complaint of any person. An application for a change of rate will be approved or disapproved within five business days by the Commercial Vehicle Safety Section, and the Owner will be notified in writing within 10 days after the application. If an application for a rate is approved, the rate shall become effective upon posting at the Station by the Commercial Vehicle Safety Section. If an application for a proposed rate is disapproved by the Department, an applicant may appeal the disapproval to the Director under 92 Ill. Adm. Code 454.260. The procedure in Part 454 will be used to determine if a disapproved rate or a rate contested by any person is just and reasonable. For purposes of this procedure, any reference to "rate" or "charge" in Part 454 is deemed to refer to a "rate" or "charge" for a diesel emission test at a Station in an affected area. As the Department has determined a just and reasonable initial rate in Section 460.400, the procedure in 92 Ill. Adm. Code 454.210 for initial rates will not be followed.

- b) The following criteria will be used to evaluate rates to determine if a rate is just and reasonable:
 - 1) The Official Testing Station's labor (or shop) rate in comparison to those in the community of the Station;
 - 2) Its journeyman mechanic's hourly wages in comparison to those in the community of the Station; and
 - 3) CDET hourly rates at the Station in comparison to those in the community of the Station.

SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

Section 460.500 Diesel Emission Inspection 30-Day Warning Notice

- a) *If an annual diesel emission inspection reveals that a vehicle is not in compliance with this Part, the Owner of the Station or the CDET shall issue a warning notice requiring correction of the violation. [625 ILCS 5/13-109.1] The warning notice shall be in the form of a Diesel Emission Inspection 30-Day Warning Notice, as defined in Section 460.110.*
- b) *Corrections shall be made and the vehicle submitted to an emission reinspection at the same Station that previously issued the warning notice within 30 days from the issuance of the warning notice requiring correction of the violation. [625 ILCS 5/13-109.1]*
- c) Examples of basic corrections that will improve diesel emission smoke include, but are not limited to, the following:
 - 1) Replace air filter element, if needed;
 - 2) Check and adjust emission control equipment;
 - 3) Check oil level and ensure correct type recommended for your engine;
 - 4) Tune up, adjust timing, set valve clearance, rack travel, etc.;
 - 5) Ensure correct operation of cooling system;
 - 6) Repair restricted/dented exhaust system; and/or
 - 7) Ensure good grade of fuel.

Section 460.510 Diesel Emission Inspection Out-of-Service Order

- a) If a vehicle has not passed a diesel emission reinspection within 30 days from the receipt of a 30-Day Warning Notice or has not obtained a waiver as prescribed in Section 460.600, the Department shall issue an Out-of-Service Order via certified

mail to the person(s) or company owning or operating the vehicle in violation of this Part.

- b) The Out-of-Service Order contains information identifying the owner/operator of the vehicle, information identifying the specific vehicle being placed out-of-service, the reason for the Order, the punishable fine of \$1,000 for operating a vehicle that has been declared out-of-service, and a requirement that the vehicle pass a diesel emission reinspection before it may be returned to service.
- c) The vehicle will remain out-of-service until the vehicle passes a diesel emission reinspection or the vehicle's owner/operator obtains a waiver as prescribed in Section 460.600.

Section 460.520 Diesel Emission Inspection Enforcement

- a) *Operating a vehicle in violation of an Out-of-Service Order is a petty offense punishable by a \$1,000 fine.*
- b) *No emergency vehicle may be placed out-of-service.*
- c) *The Secretary of State, Department of State Police and other law enforcement officers shall enforce this Section. [625 ILCS 5/13-109.1]*

SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection

- a) A Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection shall be issued by the Department for a diesel-powered vehicle to its owner/operator who demonstrates that the vehicle meets the applicable waiver requirements of subsection (b) of this Section.
- b) A vehicle subject to inspection under this Part that has failed a diesel emission inspection and reinspection shall be eligible for a waiver from meeting the diesel emission requirements of this Part upon proof to the Department of compliance with all of the following:
 - 1) After failing an initial inspection and reinspection, the vehicle has failed to achieve compliance with the applicable vehicle diesel emission inspection standards set forth in this Part.
 - 2) *A minimum expenditure of \$3,000 in diesel emission related repairs, exclusive of tampering-related repairs, has been made. [625 ILCS 5/13-109.1]*
 - 3) The vehicle has received all repairs and adjustments for which it is eligible under any diesel emission performance warranty provisions.

- 4) The vehicle owner/operator certifies to the Department that the diesel emission control devices are present and appear to be properly connected and operating.
 - 5) Repairs are conducted by a recognized repair technician, as defined in Section 460.110.
 - 6) Evidence of repair is presented to the Department consisting of signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible diesel emission-related repairs.
- c) If the Department determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in subsection (b) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.
 - d) If the Department determines that an applicant for a waiver has complied with all waiver criteria set forth in subsection (b) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number, and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle

- a) The owner/operator of a diesel-powered vehicle subject to this Part that was manufactured without a device to govern engine revolutions per minute (RPM) shall be eligible for a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle. The diesel-powered vehicle will be exempt from meeting the diesel emission requirements of 625 ILCS 5/13-109.1 upon receipt by the Department of a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned. The letter must be on paper bearing the letterhead of the manufacturer or dealer of the vehicle in question.
- b) If the Department determines that an applicant for a waiver has not complied with the waiver criterion set forth in subsection (a) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.
- c) If the Department determines that an applicant for a waiver has complied with the waiver criterion set forth in subsection (a) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

Section 460.610 Grievance Procedures

- a) Any person aggrieved by a decision regarding the failure of a diesel emission reinspection at a Station or the denial of a waiver from the Department may petition the Department, which will investigate the matter.
- b) Grievances shall be filed in writing with the Department no more than 30 days after the decision made by the Department. The grievance shall contain the reason for the grievance; general information about the vehicle (i.e., make, model, and year); and a contact person's name, address and telephone number.
- c) The Secretary or the Secretary's designee will appoint a Department employee to investigate every grievance submitted to the Department in accordance with this Part. The vehicle is declared out-of-service during the duration of the investigation.
- d) The Department's investigation will be concluded within 45 days after the receipt of the grievance by the Department.
- e) Within the 45-day investigation period, the Department will issue written notification to the petitioner and the Official Testing Station, if applicable, indicating the Department's determination as to the correctness or incorrectness of the decision that precipitated the grievance.
- f) The Department's written notification will include a statement of the facts relied upon and technical issues decided by the Department in making its determination. The Department's determination is considered administratively final.

Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

- a) A replacement Diesel Emission Inspection Compliance Card may be obtained by submitting a written request for a replacement card along with a check or money order in the amount of \$5 made payable to: Treasurer, State of Illinois. No cash will be accepted.
- b) The written request must contain general information about the vehicle (i.e., VIN, make, model and year), as well as a contact person's name, address, and telephone number. The replacement Diesel Emission Inspection Compliance Card will expire on the same date the original card was scheduled to expire.
- c) All replacement requests shall be submitted to:

Illinois Department of Transportation
Diesel Emission Inspections
P.O. Box 19212
Springfield, Illinois 62794-9212